

THE SUPREME COURT:

CAN QUEBEC SECEDE?

CANADA'S

WEEKLY NEWSMAGAZINE

# Maclean's

FEBRUARY 16, 1998



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# From The Editor

## The terms of engagement



**I**ncreasing numbers of Canadians are coming to understand the lesson of Oct. 27, 1996: That was the bleak full day, on the eve of the Quebec referendum, when legions of federalists from across the country congregated in Place du Canada in downtown Montreal to shout out their determination to keep Quebec in Canada. Behind that emotional outpouring, so

steadily soothed by the separatists, was a steady insistence that Quebec belongs to Canada, and Canada to Quebec.

That lesson is at the heart of the hearing that will begin in the hallowed confines of the Supreme Court of Canada next week (page 16). On the one hand, the federal government and its allies will argue that Canada cannot be broken up by a unilateral vote in Quebec. On the other will be the advocates of the view that only Quebecers can decide the question. The court's enormous challenge is to help both sides define the terms of engagement.

The separatists, of course, have always wanted to make their own rules, write their own daily information guidelines—on you in front of free love and an economic union—all aimed at helping Quebecers into voting for an independent Quebec lodged firmly in the bosom of a strong, united Canada. That is what sovereignty-association was—and is—all about. As Jacques Falardeau so nakedly revealed, some separatists even believe that the votes of ethnic and linguistic minorities don't count. Not unexpectedly, the separatists have denounced the Supreme Court hearing as meddling by a biased body in Quebec's affairs.

More troubling is last week's decision by Quebec Liberal Leader

Daniel Johnson and former party leader Claude Ryan to come out against the federal reference to the court. Troubling, because Johnson and Ryan are federalists who sincerely believe that Quebecers alone have the right to decide their future. Troubling, because Ryan still has enormous moral authority in Quebec, stemming from his career in the labour movement, his 14 years as editor-in-chief of *Le*

*Devoir* and his stint as Liberal leader fighting the good fight for federalism. Ryan's stand was even more disconcerting in light of his opposition to the Victoria Charter in 1991, when then-Prime Minister Robert Bourassa, Prime Minister Pierre Trudeau and the other provincial leaders came to an historic agreement in the B.C. capital on a formula for amending the Constitution. When Bourassa returned to Quebec, he faced a barrage of criticism, led by editor Ryan, that he had sold out Quebec's interests—and Bourassa promptly reneged on the agreement. Flickering in the issue has continued ever since.

As a distinct society, or people, there is no doubt that Quebecers have a right to self-determination on a clear question, to full knowledge of the consequences. But that issue right ended by all people within Quebec's borders, from Anglos to immigrants and, above all, the Inuit and Crees of northern Quebec. If Quebecers have a distinct right to leave Canada, the Crees have a right to leave Quebec. And if Quebec is seizable and knowable, the rest of Canada surely has a say in the decision. That is why sorting out the rules of engagement is so crucial.

*Robert Lewis*



Ryan (left), Johnson: a challenge

## Newsroom Notes:

### On the Elvis beat

**F**or this week's cover story, Sports Editor James Desautel caught up with Elvis Stojko and his entourage, including his mother, at the White Ring arena in Nagano, Japan. After his interview, Desautel concluded "Elvis Stojko is very much a part of the Elvis team, like a coach or choreographer. He trusts her and she has great confidence in him." Meanwhile, Ottawa Editor



Elvis Stojko, brace for Nagano: Elvis team

Bruce Wallace prepared an overview of this week's action. Photo Editor Peter Bragg supplied the dramatic pictures.

### The court challenge

**M**ackenzie features a special report on the Supreme Court hearing of the so-called Quebec-Uti case. In addition to the main story by National Affairs Columnist Anthony Wilson-Smith, Contributing Editor Mary Joanne examines the arguments, for and against, Quebec's right to declare itself independent. After extensive interviews with Chief Justice Antonio Lamer and his colleagues, Senior Writer Rae Coombs looks at the judges who will hear the historic case.

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Andrew and Christopher Banks and flying animals

## Banks backlash

Unless the new merger of the Royal Bank and the Bank of Montreal can offer a vision that would reshape the industry and give Canadians what they need from bank, I, for one, would not support it ("Big and bigger," Cover, Feb. 2). If the banks were to use this increased strength to focus on reinvigorating the entire standard loan program to really help startups, and if they could use their new platform to be proactive and more helpful to small businesses across this country so they could continue their growth past the crucial two- to three-year mark, I might be inclined to favor their proposed plan. Since it is more likely cows will fly, I would not support this merger. Let alone let either of these banks handle my finances.

Brian Peterson,  
Ajax, Ont.

I say no, no, no to the bank merger. This is an ego trip by Matthew Barrett of the Bank of Montreal and the Royal Bank's John

Clegg, and you can bet the first thing they would do is double their salaries. The merger would certainly put thousands of bank employees out of work. "By attrition," says Barrett. Yes, and pigs fly.

Lee Olson,  
Hill House

Yes, Canadian banks are small by international standards when gross assets are considered. I wonder just how they look when compared with Canada's representative product, total population or some other measure that will correct for the real differences between Canada and Britain, Japan, Hong Kong or whatever country the other top banks have their home office in. I suspect a different picture might appear. Anyway, if that concentrates the assets of Canada's fewer banks will do nothing to improve Canada's position in the international market.

The problem is one of protectionism and before on the part of the Royal Bank and Bank of Montreal to be competitive outside Canada—yet their profits increase year after year.

Glen Sikes,  
St. Andrew, N.B.

How about if, instead of worrying about the \$400-billion Royal and Bank of Montreal mega merger and its inevitable consequences of higher fees and concomitant downsizing, we—the banks, large corporations, federal and provincial governments, and citizens—focus our collective efforts on creating the social conditions that would make it possible for just two of our greatest food banks to merge, or close for good?

Diane Patisier,  
Toronto

I have to tell you how disgusted I was to see two of this country's biggest charities featured on the cover of your Feb. 2 issue.

Michèle Michalos,  
London, Ont.

## Tiresome humor

Alan Fotheringham should get his facts straight. ("Why secrete Canada gets no respect," Jan. 20). My father, Col. Pierre Sévigny, is a veteran of the Second World War, not the First. He became one of that war's most decorated participants and is

## 'Productivity crisis'

Beyond all the glib talk of "sound fundamentals," Canada faces a profound productivity crisis that is driving the dollar lower and lower ("The dollar takes a dive," Business, Feb. 2). Politicians, not even business leaders, are afraid to discuss the productivity crisis. This is because confronting it would mean shutting down businesses that have comeled on the cheap loans and tried to invest in automation and training. It would mean coming down especially hard, in the short term, on Quebec, with its supply-managed agricultural sectors, and the Atlantic provinces, with their antiquated heavy and white-collar culture. Confront it, however, we must. Otherwise, all Canadians soon will find themselves residents of "disadvantaged regions."

Michael Hoffinger,  
Toronto

presently the list of its employees still at work and on a full-time schedule at that. Fotheringham seems to be one of those sad, tiresome little area who feel compelled to make some kind of a joke anywhere, at anytime, usually at someone else's expense. Public society can only hold its breath while it ignores such jokes. I am sincerely hoping they would just go away. I, and many others, are constantly seeing such juvenile trash, never mind that you're usually pay for it.

Albert Stripes,  
Montreal

## Respect for readers

In your Feb. 2 issue, Peter C. Newman advertises about "an anecdote of politeness and offensive jokes" regarding the White House scandal ("President is racist to lead by example," The Nation's Business). He even cites one about U.S. President Bill Clinton and the Pope. I wish you had the decency not to print that "highly scandalous story." Please, have more respect for your readers.

Johanna Jurenska,  
Lansby, B.C.

It is pathetic when a once-respected author and journalist feels he must repeat a tasteless and offensive caricature "joke." It is shameful that Maclean's allowed his scurrilous column to be printed as if it were, indeed, the nation's best piece.

R. W. Delaney,  
Inverness, Min.



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## THE MAIL

### A new reader

You can't imagine how happy I was to receive my first issue as a new subscriber, especially since I'm moving with my family to Toronto in the spring. The year-end double issue was extraordinary. I found it very useful and educational, particularly the poll. I read the 108 pages completely. From now on, you can count me as reader number 2,100,000.

Alexandra Singh,  
Brampton, Ontario

### Additive-free fries

The four Canadian packets of frozen french-fried potatoes have asked me to draw your attention to an error in your advice concerning food additives ("Also containing..." Cover, Oct. 27). No subject is added to frozen french-fried potatoes marketed in Canada & or Canada is grades. There is no technological justification for its use and Canadian regulations do not permit it. Canadians who are sensitive to this group of chemicals can enjoy the many brands of frozen french fries that are marked with one of the Canada grades.

Christopher J. Eyle,  
Executive Director  
Food Institute of Canada,  
Ottawa

### 'A step backwards'

As a McMaster University alumna, I was pleased to see my alma mater top your list of "Leaders in innovation" in your recent universities survey ("Universities 99," Special Issue, Nov. 24). Sadly, I must now advise you to reconsider this prestigious title. McMaster is the only university in North America with a completely student-elected and self-governed residence system. This model of student-elected democratically to govern by hall constitutions that have evolved over decades, is now being overthrown by administrators who wish to implement the standard dorm system used at other universities. Although the McMaster model provides invaluable opportunities for student leadership and growth, apparently hiring and paying students to enforce housing policy requires less work, and less vision, on the part of administration. An alumnus who benefited immensely from my four years of residence involvement, I challenge McMaster administrators to uphold their unique model of student self-government, rather than take a step backwards to join the status quo. Prove that you do, indeed, deserve the title "Leaders in innovation."

Melissa E. Alexander,  
Leamington, B.C.



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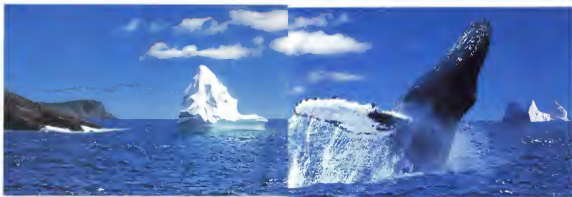
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## Another View



# Charles Gordon

## The warm lessons of Ice Storm '98

**E**ven a month later, a drive through the eastern Ontario countryside reminds it all back. The trees that are not doubled over have their tops missing. It is not hard to imagine the countryside swarmed over by hydro trucks and soldiers. It is also not hard to imagine it in the dark. But it is hard to imagine what it will look like in the spring, with the snow gone and the leaves on the trees.

There will be a lot of branches on the ground that much is sure. Ontario, where more cleanup work has been done than in the rural areas, GEI has lots of them. Crews have been around, two-truck crews, each with two men: the first crew detaches the damaged branches off the city trees; the second feeds the branches into a chipper. People are not in a huge hurry to dispose of the branches that remain. There is a kind of equanimity that comes out of an event of this kind: small problems are being solved for what they are, plus, the city people, who may have been without power for three or four days, know that they were lucky.

Some people are complaining now, mostly about Ontario Hydro and Hydro Quebec, but that is tempered by a recognition of the long, intricate, cold and delicate system put in by the workers for those organizations. There will be more complaining as the bills come in and the compensation runs below people's expectations. But the lessons that came out of the Ice Storm of '98 are mostly positive: The goodwill that came from weeks of co-operation and mutual dependence will survive, more or less.

There is at least the hope of a new empathy between city and country people. The city people may have had their electricity back first—they are justifiably around the house turning on lights and radio—but they certainly remember the feeling of being powerless and the actual need they had for warmth and assistance. And there was no shortage of assistance: the end of the winter in the city was not the end of the crisis in the country. Urban dwellers have learned what generator does; they know a lot more than they used to about how dairy farms work.

The storm made for some new environmentalists and new believers in global warming. The efficacy of the wood stove was dramatically proved. Advocates of wind and solar power will gain some converts, more individuals will investigate alternative sources of energy. A lot of city dwellers have been brought to the sudden realization that they should learn something about electricity.

Everyone who lived through this also learned about the meaning of unity, adaptability and generosity of Canadians. Manitobans and Quebecers know this already, of course, from their floods. Those who have lived through any natural disaster know it. Hence, quickly because it is, lakes become shelters, food explicitly man-

tened, generators were located and traded from them to farms. Churches, clinics and voluntary organizations did good deeds, without waiting for anyone to organize them. So did family and friends. The range of resource Canadians are able to marshal in an emergency is vast and striking. Knowing that may make us more sympathetic to those in other parts of the world who face crisis every day, in war or famine zones, and can't call upon the neighbourhood church, service club or YMCA for help.

Not to mention the government. Now, the ice storm has something for everyone in its continuing debate about the worth of government. Those who dislike government will point to the effectiveness of individuals and voluntary organizations, as well as the charitable efforts of many businesses like banks, which closed their doors at the height of the storm, are another matter. People didn't wait for someone to tell them what to do: they just did it, usually with a positive effect.

On the other hand, the sheer size of the relief effort, the restoration of power and the cleanup could not have been accomplished without the large-scale resources of both government and pre-existing hydro systems. The track that restored power to your farm may have come from Langlac in Northern Ontario. The snow that was removed from the branches off the tree in your front yard may have come from Ohio. These things don't happen without organization on a large scale. Not to be impolitic, but would a profit-conscious province like Ontario Hydro have made such an expensive effort to get the power back on? As for the police, too, it could be argued that in eastern Ontario the storm demonstrated the worth of that much-maligned institution, regional government.

Another much-maligned institution, the Canadian military, added considerably to its reputation. This will not surprise the people of Winnipeg, where soldiers received standing ovations in restaurants during the flood last spring. It is not much like the change in mind when help was needed and given. It is the effectiveness of the Armed Forces in Canadian disasters does not mean that Canada should abandon peacekeeping and other traditional pursuits, but it does show that disaster assistance, working on a huge ground to help neighbours and fellow citizens, is something the Forces do well and should be prepared to do more in the future.

Those are a lot of lessons to learn from one storm. But then, it was not all ice, a bit of darkness, a bit of snow, and the ice is much easier to do with the television off. I have learned what we can do without government and what we can't do without government. We've been surprised by our vulnerability in the elements, encouraged by our ability to work together in an emergency. It is hard not to see good things coming out of it, although it is depressing to think that this may not be the last worst weather on the horizon.

**People didn't wait for someone to tell them what to do: they just did it, usually with a positive effect**





The Supreme Court approaches its running high in Quebec

# Can Quebec secede?

BY ANTHONY WILSON-SMITH

**S**ometimes in politics, as the saying goes, you have to be good to be lucky and lucky to be good. For a lot of people, the question about Prime Minister Jean Chrétien has always been whether he is both—or sometimes just remarkably far from it. Supporters at the latter view might cite the manner in which the Chrétien government appears to be rejecting the beards of an initiative that is neither thought of nor initially supported. Almost two years ago, however, another sovereignty quest by Bertrand decided to ask the Supreme Court of Canada to rule on Quebec's self-proclaimed right to unilaterally declare itself independent from the rest of Canada. When Bertrand announced his plan to mount such a challenge, Chrétien's Liberals treated him—and it—with mistrustful coolness. But on Feb. 16, when the Supreme Court is scheduled to begin considering the legality of unilateral secession, it will do so at the request of that same Liberal government. Moreover, the case now forms the centrepiece of the Liberals' reborn—and solar revitalized—unity strategy. Says an adviser to Chrétien, "We are feeling better about this issue than we have in a long, long time."

And with good reason. Although opposition to the Supreme Court initiative runs high among both separatists and federalists in Quebec, the Liberals have, so far, banked in the glow of favorable public opinion polls and widespread praise in English Canada for what is known as political order in Plan B, the relatively new go-to approach towards the sovereignty debate. Even left-wing party leader Preston Manning has allowed qualified praise, saying, "It is certainly a welcome step towards clarifying this debate, and we applaud that." Manning adds, "We like it—because it was our idea in the first place." Others seem favorably inclined as well. In the recent Maclean's/CIBC poll conducted by The Strategic Counsel polling firm last November, 67 per cent of respondents outside Quebec said they believe that the court case and related efforts—such as intergovernmental Alliance Minister Stéphane Dion's headline talk on the possibility of a partitioned Quebec—make it more likely that the country will remain united. Even in Quebec, 55 per cent of respondents agreed with that assessment.

In legal circles, most at least would consider there is also something truly weird in the Supreme Court case, since the Constitution does not specifically provide for the secession of any province, such an act cannot take place without agreement on all sides. "We obviously would not take this step if we were not quite confident about the result," says the Chrétien adviser Per-

## The Supreme Court prepares to hear a historic case



haps for the same reason, the Quebec government has distanced itself from the case and is not formally involved. Instead, Quebec's position will be argued by a lawyer appointed by the Supreme Court, known formally as an "amicus of the court." However, André Jodé Court, named by the court in July against the wishes of the Quebec government, is both a hardline separatist and a highly respected lawyer, so his presence lends an added air of legitimacy to the case.

But the federal strategy could be risky. Despite their lack of direct involvement, officials at Premier Lucien Bouchard's Parti Québécois government acknowledge they are observing the case with intense interest. Within the province's intra-governmental affairs department, some experts remain the hope that the court will deliver what they call a "favorably neutral" decision. That could mean, for example, a ruling that, while Quebec has no right to a unilateral declaration of independence under strict legal terms, the fundamental principle is political—and therefore not for the court to be involved.

Such a ruling would constitute an important moral victory for the separatist side—but one of their political strategists are handing out that, instead, Progressives and their supporters have conducted a two-pronged public relations strategy that, so far, has enjoyed some success. The first step has been to question the legitimacy of the Supreme Court to rule on political issues that arise, partially that only three of the nine court judges are from Quebec—and all nine have been appointed by Ottawa. Jacques Vigneault, a former PQ cabinet minister who is now a professor emeritus of public law at the University of Montreal, began an article in the paper in the *Le Devoir* recently by asking the rhetorical question, "How have we arrived in this situation by which nine judges are called,

within the framework of a majority non-Quebec federal state, to settle the lot of a majority francophone people?"

Another step has been to subtly spin a different description of the federal government's goals in the case. Chrétien and his cabinet Liberals have repeatedly emphasized that they are not denying Quebec's right to self-determination—a clear majority voted Yes to an unambiguous referendum question. But Bouchard and other prominent separatists, in repeated public statements, frame the issue as a challenge to Quebec's right to decide their own constitutional future under any terms. As a result, some government federalists within the province rather misread Ottawa's strategy as one watching from the sidelines. "Given strong monarch federalists, it would be hard to find any who would argue against Quebec's right to decide its future for itself," says Gilbert Lavoie, editor of the Quebec City newspaper *Le Soleil* and a former press secretary to Prime Minister Brian Mulroney. That was one reason why the federal Liberals were initially slow to take up the idea of a court challenge—with many of their Quebec caucus members angling against it.

Quebec Liberal Leader Daniel Johnson, however, has said he would prefer "a more positive approach" from Ottawa to the only issue that would concentrate on offering new powers to the province. Last week, he and former provincial Liberal leader Claude Ryan—who led the federalist forces in the 1980 referendum campaign—appeared at a news conference to criticize Ottawa's initiative. Progressive Conservative Leader Jean Charest—the most popular federalist politician in Quebec, according to polls—has taken a similar approach. Dion has enhanced his standing within the PQ by arguing that it runs the risk of further marginalizing him and his party elsewhere.

At one point, Bouchard said he might call a snap election if the court ruled against Quebec. Later, PQ officials discussed staging another response: a "pre-referendum referendum" that would ask Quebecers whether they consider themselves "a people"—and thereby entitled to decide their own future. But Bouchard has turned down his initially secondary strategy—in part, some Progressive privately concede, because the PQ is so confident that a court challenge will spark any great public outcry to spring election revision a possibility, but largely because the government's popularity has been greatly enhanced by Bouchard's handling of the recent ice storm crisis. "There is no appetite now for any discussion of the Constitution," says Christian Boissieu, a Montreal-based pollster with the Angus Reid Group. "The shared concern of most Quebecers is the Supreme Court. Court debate starts will be to reach for the change to the referendum question." That opinion is supported by a poll that Angus Reid released in December: it said 61 per cent of all PQ voters—and 49 per cent of non-separatists—do not want the PQ to hold another referendum even if the party won the next election.

Still, a ruling that favors the federalist side may generate more sympathy for the PQ—which now leads the opposition Liberals in opinion polls 49-1 per cent to 43-5 per cent. "The issue," says one senior Liberal insider, "is not the PQ's legitimacy, it's not whether or not, but when is the best time to do so in terms of referendum timing." In PQ circles, Bouchard has his wide support for his belief that a balanced budget would be a powerful tool for Quebec sovereignty by demonstrating the province's apparent self-sufficiency. That goal is expected to be achieved in the spring of 1996. As a result, Bouchard is considered likely to call an election this fall—with the promise of a balanced budget—soon immediately after the 1996 budget, when that goal is reached. In either event, this could lead to a sovereignty referendum in the fall of 1996.

No matter when another referendum takes place, a Supreme Court ruling favoring the federalist side would carry other risks. Some federalists outside Quebec might attempt the judgment to mean that the province cannot hold another referendum—which would result in an implicit blockade of Quebec's exit. And efforts within Quebec to discredit the Supreme Court might trigger some separatists—those who disavow the legitimacy of a key institution. Many have been with the rest of the country. Chrétien, conversely, has "has to be especially careful that Quebecers don't feel too isolated." A Quebec administrator who believes that goal needs to be kept—and also very likely. □

Chief Justice Antonio Lamer: deliberations that will arouse emotions

# The meat of the matter

BY MARY JANGAN

In the determinedly dry language of the Supreme Court of Canada, it is simply the "reference by the Governor in Council concerning certain questions relating to the secession of Quebec from Canada." But when the nine judges hear that case next week, wading through hotly competing assertions and highly selective citations from 16 parties, they will be pondering the partial dissolution of the very nation. An overview of this extraordinary case and its implications for all Canadians:

## THE ISSUES

In September, 1996, the federal government asked the Supreme Court for its opinion on three narrow questions:

- Can the Quebec government, its assembly or its legislative seats secede unilaterally from Canada under the Constitution?
- Does it have the right to secede unilaterally under international law? Does international law include a right to self-determination that would permit Quebec's unilateral secession?
- If there is a conflict between international and Canadian law over Quebec's right to secede unilaterally, which takes precedence in Canada?

Those deceptively simple questions have provoked explosive debates within Quebec and across the nation. Quebec nationalists have maintained for decades that the province can declare independence unilaterally following a simple majority vote in a referendum—because Quebecers are people who have the right to self-determination. That, in turn, includes the right to leave the federation. After two disruptive but unsuccessful referendums, in 1980 and 1995, the federal government finally asked the Supreme Court to ponder the legality of those cherished assumptions. It is important to note, however, that the key word in every question is "unilaterally." Ottawa has not asked if Quebec can secede or how it can secede—it simply wants to know if unilateral secession is legal.

## THE PLAYERS

As the leader of the federalist offensive, Ottawa tabled an 85-page brief last February, arguing that Quebec has no domestic or international right to unilateral secession. Throughout the spring, 14

additional parties jumped into the fray. Twelve intervenors, including the two territorial governments, four aboriginal groups and Montreal lawyer Guy Bertrand, contended that Quebec cannot secede unilaterally. Two other intervenors, Montreal lawyer Vincent Poudet and former Quebec diplomat Yves Michaud, stoutly supported Quebec's contention that it can secede unilaterally—but their arguments largely dealt with Quebec's longstanding political complaints against English Canada.

The Supreme Court was in a quandary. The Quebec government has refused to participate in the case, arguing that the pithy court cannot determine the political future of the province. To compensate for Quebec's absence, Chief Justice Antonio Lamer appointed a so-called friend of the court—senior judge Jodis Jodi-Cosier—who tabled detailed legal arguments supporting Quebec's contentions last December. Seven of the intervenors, including Ottawa and Bertrand, tabled their replies in his brief last month. Jodi-Cosier, in turn, replied to their replies last week with a 34-page brief that also featured a startling supplement, a supportive 83-page submission from former provincial Liberal leader Claude Ryan. In effect, the major players have held a complex debate before the case has even commenced.

## THE BACKGROUND

Ottawa only resorted to the courts after the federalist forces won the Oct. 30, 1995, referendum by a whisker: 50.58 per cent to 49.42 per cent. That brush with disaster prompted federal politicians to rethink their unity strategy: many asked why Ottawa had allowed Quebec to set the



Seize-the-day parade: every word is highly charged

agenda, decide the referendum question and pronounce on the legality of its actions without any reference to the highest law in the land, the Constitution, or to international norms. Federal ministers slowly coalesced together their scattered Plus

It appears that is, they decided to outline the implications and the far-reaching consequences of attempted secession before it happened.

That decision followed in the footsteps of an unlikely federalist crusader, former separatist politician Bertrand. On Aug. 18, 1995, Bertrand asked the Quebec Superior Court for its opinion on proposed legislation that would allow the Quebec national assembly to proclaim unilateral independence after a successful referendum vote. He also asked for its opinion against the Oct. 30 referendum. Although Justice Robert Levesque rejected the approach, he declared that the bill was a "repudiation of the Constitution of Canada." In the wake of the referendum, Bertrand asked for a permanent injunction against any future votes on unilateral secession. Before his case could proceed to trial, Ottawa posed its question. As a result, his case has been adjourned pending the Supreme Court's decision.

## THE RISKS

The federal government has begged the Supreme Court into a volatile and hazardous debate where each word is highly charged with emotional meaning. The situation is perhaps most perilous within Quebec, where many politicians, both overt and not, have long maintained that Quebecers constitute a "people"—and that each "people" has the democratic right to "self-determination," including the right to secession. In that climate, where potent words are wielded like weapons, it may be responsible to get across Ottawa's contention that it is not challenging Quebec's ability to secede. It is simply upholding the rule of law when it disputes the legality of unilateral action.

Almost every intervenor has begged more controversy on the court's plate, posing additional, complex questions. Aboriginal groups, for example, maintain that Quebec cannot secede without their consent—and they have urged the court to clarify their rights and their role in any future discussions. Human rights groups have pushed the court to state that if French Canadians have the right to secede, minority groups have the right to secede from an independent Quebec.

It is easy to imagine the uproar if the Supreme Court responds with detailed, pro-secessionist rulings. At the very least, it could provoke charges that Ottawa—and its instrument, the Supreme Court—are blocking the democratic will of French Quebecers. It could also create impossible constitutional hurdles to legal secession, requiring the consent of so many parties that unilateral secession will be the only way to achieve change. "The federal government is looking for a way of establishing definitively that a unilateral declaration of independence is not legitimate and there are practical consequences that are highly undesirable," notes University of Toronto political scientist David Cameron. "It thinks it knows the answers to its questions, but judges don't just answer Yes or No; they write opinions. And those opinions can often be nuanced and difficult, unnecessarily complicating the government's life."

## THE FEDERAL ARGUMENT

Question One, Ottawa first outlines the basic premises behind its contention that the Constitution does not permit unilateral secession. Canada is a federal state based on constitutional government—and subject to the rule of law. The courts have a duty to uphold the Constitution—and to ensure that as level of government exceeds its powers. Secession would offend the structure and scope of that Constitution—since it would require constitutional amendment.

That necessary leads to a secondary, which according to Ottawa from the Constitution Act, 1867, would apply? There is a general

formula which requires the consent of the House of Commons, the Senate and the minorities of two-thirds of the provinces representing at least 50 per cent of the population. Amendments covering five key areas, such as the office of the provincial lieutenant governor and the use of the French and English languages, require unanimity. Ottawa concentrates on another formula, Section 43, which allows each province to amend its own constitution as long as those amendments do not affect the five areas requiring unanimity.

That section poses a minor problem: there is no official definition within the Constitution of what constitutes a provincial constitution. Ottawa critic copious Supreme Court rulings which indicate that Section 43 only applies to laws and not to official institutions such as the civil service or any upper house. It argues that provinces cannot possibly invoke Section 43 to give themselves the exclusive power to pass all laws, levy all taxes and issue all treaties. So, it concludes, unilateral secession is unconstitutional, secession requires the consent of other governments. To the dismay of many parties, Ottawa adds that



Charest: a political strategist within Quebec

## The case has sparked a volatile and hazardous debate

there is no need for the court to choose the formula that does apply.

**Question Two.** Before it examines international law on self-determination and unilateral secession, Ottawa surmises the situation there is no international legislation or any international court with universal compulsory jurisdiction. So international law is a hodgepodge of conventions, customs, general principles and scholarly writings. Although the principle of self-determination of peoples has played a major role in political thought since the First World War, it did not appear as a legal concept until the United Nations Charter in 1945. And it has popped up in numerous documents as the 1990 International Convention on Civil and Political Rights. But Ottawa insists that the international right to self-determination is specifically limited by the repeated stipulation that each nation's territorial integrity must be respected and preserved; that is, the right to self-determination does not include the right to secede unilaterally. Only colonies have the right to secede. "There is no right to unilateral secession from independent states with a government representing the whole people without distinction," Ottawa says. "The world is composed of myriad social, ethnic and linguistic groups. To recognize for each of these groups a right to unilateral secession would be a recipe for fragmentation."

**Question Three.** Ottawa maintains that there is no conflict between domestic and international law. Quebec cannot unilaterally secede. If there is a conflict, it maintains that international law is applicable in Canada only to the extent that it does not conflict with existing Canadian law.

### THE INTERVENERS

**1.** Both Manitoba and Saskatchewan contend that Quebec cannot invoke Section 43 to secede, citing extensive precedents to prove that each province's right to amend its own constitution is highly restricted.

**2.** The Yukon Territory tartly notes that if the so-called will of the people can supersede the rule of law, so citizens will ever "know the

true limits of governmental power"—because the people could decide to do just about anything in defiance of any law.

**3.** The Northwest Territories points out, with considerable alarm, that Quebec's proposed 1995 legislation on secession included six offshore islands in an independent Quebec. It demands that the court state clearly that Quebec cannot grab peripheral other provinces and territories.

**4.** Four aboriginal groups with territorial interests in Quebec—the Chiefs of Onondaga, the Maliseet Corporation (Miramichi basin), the Grand Council of the Crees and the Kitigan Zibi Anishinabeg (on Abitibi) insist loudly—forcefully assert their constitutional, treaty and inherent aboriginal rights to the land. Their bottom lines are clear: Quebec cannot legally secede without their consent; Ottawa has a constitutional obligation to aboriginal peoples which it must maintain even if Quebec secedes; Quebec cannot reassess aboriginal lands from Canada. As the Grand Council stipulates: "The Crees reserve the right to claim a right to secede should the Cree people and Cree territory be forcibly included in a sovereign Quebec."

**5.** Three interveners intercede on behalf of Quebec minority groups. Five representatives of the Montreal-based Special Committee on Canadian Unity, including federalist activist Dr. Ragoop Singh, maintain: "It is not possible to assert that there is necessarily one, single, French-speaking people in Canada, nor even in Quebec itself." Even if there is such a group, it shares its territory with other distinct ethnic groups. As a result, it concludes: "If, in international law, Canada is divisible, Quebec is also divisible." The Ad Hoc Committee of Canadian Women on the Constitution insists that any court interpretation of the right to self-determination must explicitly affirm the right of women to participate equally in the exercise of such rights. And the Minority Advocacy and Rights Coalition insists that unilateral secession would violate minority rights.



Forceful secession for the people

under the Canadian Charter of Rights and Freedoms. It could also deprive minorities of their status under such federal laws as the Immigration Act, refugee claimants, for one, could lose their legal position. As a result, if the court decides that Quebec can secede unilaterally, the council asks for a declaration that the secession of "single persons and other linguistic or religious minorities" is also permissible.

**6.** Bertrand argues the court to go well beyond the narrow legalistic confines of the federal questions. He asks which specific amending formula should be used to secede. He demands a declaration that Ottawa has the constitutional duty to oppose unilateral secession and if it decides to recognize an independent Quebec without constitutional amendment, Canadians would have the right to challenge that recognition, asking Ottawa to prove to the court that it did everything in its power to prevent unilateral secession before granting recognition. Finally, Bertrand asks the court to stipulate that Quebec forfeits constitutional protection of its boundaries if it secedes unilaterally; that is, it could only keep territory over which it exercises "effective control." As Bertrand's lawyer Patrick Monahan told *Northern*: "We are saying that these legal issues do matter—the rule of law is important—

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and it is important to clarify the considerable uncertainty".

7. From the separated perspective, Lower-Pontiac argues that Ottawa has violated the basic principles of federalism since Confederation, intruding in such areas of exclusive provincial jurisdiction as social programs. So the local between Ottawa and the province has already slipped. Dismissed Michael, a teacher's parent, said, "I am not prepared to go on the behalf of Quebec superintendents; it is not necessary for the court to rule now because there is no legislation to be done before the Quebec assembly; the court itself as a federal creature—so it has a conflict of interest; the Constitution is biased in favor of federal control and illegitimate because it was purchased from Great Britain; and the court is not a consent, if the court accepts Ottawa's view, it will simply become a discredited acronym in Plus II."

## THE FRIEND OF THE COURT

**J**ob-Corner first challenges the very authority of the Supreme Court to hear reference cases, arguing that its constitutional mandate to act as a "General Court of Appeal" means

John J. Caldwell cuts to the redemptive heart of his argument. The world community, he maintains, has adopted a stark approach to economic "needing nations" are recognized by the international community when they exercise "effective control" over their territory. In effect, it does not matter what the Constitution says about economic—international law, not domestic law, will govern the relations between Canada and an independent Quebec. Under that law, he says, Quebecers are a people with the right to self-determination. And, over time, that right to self-determination is not strictly equal to the right to secede. Quebec will have to make some sacrifices, but as Canada will be forced to recognize a legal country, John-Caldwell adds, almost miraculously, that since the Constitution does not mention succession, the court should look to British precedent to fill in the gaps. In 1980, the British Parliament recognized the "Glorious Revolution" of William and Mary because they had seized "effective control" from King James II.

## THE REPLIES

2. Ottawa notes that the court has heard reference cases since its creation in 1875. Then, it counters Jule-Ges's argument that the court should abstain, maintaining that the questions are straightforward and essentially legal in character. Finally, it insists that the Constitution, not international law, must govern Quebec's actions because it is still part of Canada—and the Constitution contains sweeping formulas for its amendment. In fact, Ottawa adds twice, Quebec cannot use the principle of "collective control" to secede, not only is it not an unwritten constitutional principle it would abrogate the Canadian

self, contrary to the rule of true

**2.** The Ad Hoc Committee notes that effective control is not the only criterion for matched interests. Nations also have respect for the rights of minorities. Macleod, the North-west Territories and Saskatchewan business Ottawa's points with additional arguments. The Kilgus band, meanwhile, argues that Quebec cannot interfere 'effective control' over aboriginal land. And in his bid to drive home the consequences of unilateral secession, Bertrand notes that citizens would be justified in resisting an illegal action. Quebec would be required to use force to maintain effective control, jeopardizing its recognition by the international community.

## THE REPLY TO THE REPLIES

**J**ulio-Cesar Forcinal, invoking three principles, the governments of Quebec and Canada must respect the democratic will of the Quebec people, the rule of law forbids the use of the Constitution to create "chaos and insecurity," and the principle of effective control establishes the legality of the measures employed to found a sovereign Quebec. Ryan, the leader of the federalist package that included the court, concludes that these factors are asserting that "the right of Quebec is subject to a veto by the federalty of responses."

## WHAT HAPPENS NEXT

**A**fter his Supreme Court appointment, John Roberts once observed, "I will have to appear before the court and deliver a dissent. I wish that I had the judges sitting on my back so I could speed on every point I wish to dissent—before the parties walk up the courthouse floor. His fictionism still holds true when the nine judges file into court at 9:30 a.m. on Feb. 10; they will require no basic explanations. The federal government has the first day to emphasize its legal points—and so respond to the judges' questions. John-Corcor also has an entire day—although he will likely appear after all of his 16 law interviews have concluded. The remaining three have been allotted times ranging from 15 to 20 minutes. The last day of the interview process belongs to John-Corcor. The case will almost certainly conclude with his sports to the press. A spokesman expected within two months.

It could go in any direction. The judges may decide that they will not answer some or even all of the questions—and toss them back to the politicians. If they opt for detailed answers, they must work their way painstakingly through each specific query. And they must consider each intervenor's demands, although the judges usually limit the scope of their rulings to the initial questions, they do go beyond those well-worn boundaries if it appears necessary to resolve an additional issue which they have created in the course of their ruling. The only certainty is their judgment will be painfully difficult—and the need for wisdom in whatever course they choose has never been greater. □

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# Facing a supreme challenge



between 1976 and 1980. On previously spent the year as vice-chief justice. Lamer had already shown that he leaned towards the latter camp. And although his appetite for the Quebec Court of Appeal in 1978 waned a bit, his egalitarianism there and later on the Supreme Court raised the hackles of more traditionalists. One hated privacy that Lamer had a "social-justice mentality." Another said his judgments "are all over the map."

Yet those Supreme Court judgments, backed by a majority, have reshaped the law of the land time and again. In 1987, the court tossed out a section of the Criminal Code that said a person is guilty of murder if he has a weapon while committing a crime and someone is killed. The case involved a robber who believed his gun was unloaded, and Lamer wrote that a person could not be convicted of murder if there was no proof beyond a reasonable doubt that he knew his actions were likely to cause death. It is not necessary, he added, to convict offenders of murder in order to discourage the use of guns. "If Parliament wishes to deter the use of dangerous weapons, it should punish the use or carrying of weapons," he said.

In 1995, the court reversed a decision of the Manitoba Court of Appeal and reinstated the acquittal of a man who thought his right to counsel depended on his ability to pay a lawyer—and had not been advised otherwise by police. Law enforcement agencies must in all cases, Lamer wrote, tell people under arrest that legal aid is available

## Antonio Lamer and his eight fellow justices are feeling the pressure

and free. In 1995 too, the court struck down a section of the Criminal Code providing for the indefinite detention of people accused of crimes by reason of insanity. Writing for the majority, Lamer said such people "should be detained no longer than necessary to determine whether they are currently dangerous due to their insanity."

Supreme Court justices gradually become identified by the legal community as being either on the left or on the right of the scale. On the current court, Chief Justice Antonio Lamer and Justice Peter Cory, John Major and Frank Iacobucci are most likely to come down on the side of individual and equality rights. Justices Charles Gauthier, Claire L'Heureux-Dubé and Beverly McLachlin are more inclined to rule for the state, at least in criminal cases. Two recently appointed justices, Michael Bastarache and Louis Binnie, are unknown quantities.

But in most respects, the Quebec reference case is unique. Even the many Supreme Court judgments dealing with the division of powers between the provinces and the federal government shed little light on the issue of secession, constitutional experts say. "This is a different order," says Brian Schwartz, professor at law at the University of Manitoba. "This is not asking you give jurisdiction over fisheries. It is asking a more radical question. And you can't really predict from attitudes about a stronger or weaker provincial government how they will react to a question about a part of the country wanting to quit altogether."

Patrick Monahan, a professor at Osgoode Hall Law School in Toronto, says the case that most concerns is the current one was in 1981 after Ottawa, facing provincial opposition to its reorganization plan, referred the question to the Supreme Court. Some of the justices, including Lamer, ruled that Ottawa could unilaterally patriate the Constitution. But a majority—again including Lamer—also considered that was a convention in constitutional law that demanded provincial consent. That helped push Ottawa back to the negotiating table (only Quebec was not part of the eventual agreement). "The court was called upon to play the role of statesman," says Monahan, who represents one of

BY BAR COHEN

In a cheerless, grey winter morning at the eastern capital, and in the cathedral of Canadian law, the head priest is taking the day off to reflect on his life and times. In a rumpled navy blue suit, white shirt and limp red tie, Antonio Lamer, chief justice of the Supreme Court of Canada and a well-described "French-Canadian from head to foot," is calmly lamenting the fact that his parents named him after his father instead of calling him Antonio. "I might have had more trouble in the schoolyard because people associated that name with Catholics and being somewhat effeminate," Lamer muses, "but I would prefer it today." Experience has reinforced that preference. While he was appointed to the Quebec Superior Court in 1969, TV reporters asked then-Judicial Minister John Turner about judicial opportunities for ethnic groups. "Turner replied that he had just appointed somebody from the Italian community—Gino Lamer. I phoned John and asked him what the heck that was all about and he said, 'Well, I had to say something.'"

The 54-year-old Lamer, whose 39 years on the bench make him the longest sitting federal judge in the country, tells the story during a 50-minute interview in his paneled chambers overlooking the scenic Ottawa River. It is the eye of the law-generated and moonstruck hearings on File No. 25/95—the federal government's request

that the court determine whether Quebec can, legally, unilaterally declare independence from the rest of the country. While Lamer seems willing to discuss just about anything, he will, understandably, say little about that. But when asked if the case causes him special anguish because of his roots, he replies, "I think it causes a lot of anguish to most people. If you're a separatist, the anguish is, 'Are we finally going to be able to separate?' I think Canadian nationalists—I prefer that to 'separatists'—share this anguish. I, as a judge, can't say much more either than to say that I, too, am concerned."

It is a worry shared by all nine Supreme Court justices—six women, seven men, four francophones, five anglophones, three each from Ontario and Quebec, two from the West, one from the Atlantic provinces, that their personal concerns have long been overshadowed by the need to prepare. By the time the judges take their places next week in the courtroom's nine high-backed chairs beneath an elaborately carved coat-of-arms, they will have read volumes about international and constitutional law. "The last time I looked, it was a pile about two feet high," says a court source. After they have read all the arguments, which will likely take a week, Lamer and his colleagues will retire to an adjacent conference room lined with rickety law books in English, French and Latin.

And there, around a circular desk with a view of the river and distant mountains Quebec beyond, they will begin the search for consensus

on one of the weightiest questions the court has faced in its 123-year history. They will speak in the reverse order of seniority, starting with Justice Ian Binnie, sworn in on Feb. 2, and ending with Lamer, who, after the discussion that follows, will choose a judge to write the majority opinion and another to write the dissent—if there is one. Lamer has earned his position in the pecking order: he has been on the court since 1980, longer than anyone else, and chief justice for nearly eight years—preceding over a court that has used the 1867 Charter of Rights and Freedoms to change Canadian society.

Based on that experience, where does he rank this case among other important ones in recent years? Replies Lamer: "You're talking in terms of a reference that has to do with the possible dismembering of at least part of the country." Then he adds: "But some of our first decisions under the charter, if you're looking at the equilibrium between the judicial and the elected, were also very important."

That charter, cornerstone of the 1982 constitutional record, codified basic individual rights and freedoms in Canada's constitutional law for the first time. Conservative judges decried the potential erosion of Parliament's powers, but more liberal ones of Lamer's generation and younger realized the opportunity to enhance individual rights and, as one of them said at the time in an off-the-record interview, "to make a little bit." As the outspoken chairman of the now-defunct federal law reform commission be-



the intervenors in the current case. Guy Bertrand: "I think this case is essentially about five same things: it's not really about the federal government versus Quebec—it's about whether the Constitution in itself both levels of government."

Joseph Antonio Charles Lamer's journey to the threshold of next week's historic drama began as an only child in a tough working-class district of eastern Montreal. His father sold a reporter "Everybody but two of us went to the prefecture, I became a lawyer and the other guy is a doctor." The family lived near the Rachel Street slaughterhouse, and Lamer recalls, "every night around 12 o'clock, we got a whiff of what had gone on during the day, which is probably why I love blood pudding."

His father was a lawyer and the family subsisted on the meagre fees he earned representing mostly rich business owners of their actions of workplace accidents in Canadian Pacific Railway's repair yards—

some crime or worst case of all, because if we want a society free of crime, that's my job. In Montreal, during the 1940 crisis in 1950, we had the army go in the streets and the lowest crime rate. But at what cost?

Asked whether his comments drew criticism his current philosophy, Lamer fidgets ineptly in his armchair and, while admitting talking an atheist, replies: "It was the job of a law reformer to be critical of what the legislatures were doing. I cannot be critical of the law today whether I agree with it or not. I was not a sitting judge in those days. I used to say 'I was a judge without any judgment.' Does it bother him that he cannot speak his mind? "No, no. There's no sin in that. I'm not sure the younger judges are not having a hard time making themselves in."

At the same time, silence has its compensations, Lamer says. "Let's not forget there are no jobs in the world that enjoy our tenure of office. You can't fire a judge. He can't be terminated except by both houses of Parliament. The sole justification for that is to make it possible for him to do the unpopular thing, without fear of losing his job, when it's the right thing to do. You don't usually need judges to do the popular things—politicians do it for them. The role of chief justice imposes further responsibility, he says. "There is a change in your relationship with your colleagues. Sometimes I have to say no, don't associate your name with this type of opinion. You don't need a chief justice to say yes."

Lamer's abiding interest remains the evolution of the law and the judicial process. Fifty years ago, judges came down with decisions and didn't get into the reasons why, Lamer says. "They just said here's the law and you don't have to understand it, you just have to abide by it. Today, anybody working any authority is much more accountable and that's a healthy thing. Love in the face of power has disappeared." Along the way, he thinks, the charter "has done a tremendous amount of good in the fields of freedom of expression and equality." Yet the justice system is still too costly. "There are people who are not eligible for legal aid because they earn too much and they would come out financially crippled if they went to court. It's not the law that's wrong, it's the cost of access to its remedies."

In 1985, the divorced Lamer married Denise Tremblay, then 45 and legal counsel to the National Hockey Board. She followed him to the bench, becoming a judge of the Federal Court of Canada that division in 1993. They have three children: from previous marriages—Lamer's son Stéphane, 32, a UN field worker who has been in Africa for nine years ("he's been there so long he has an African accent," says Lamer); Tremblay's daughter Mélanie, 27, who teaches in Monterrey, Mexico, while her husband finishes his law degree; and her son Jean-François, 24, a stockbroker.

In 20, he says with reluctance that he will talk about his private life and thoughts. When pressed to speak of his own values, he says: "Leastest the most important one I see is compassion, which is an attitude of tolerance. Unfortunately, intolerance has come to us more often than not from religious groups. It is religious? 'Well, if you insist by religion to belong to a church I do not but by choice; I was told one day as a child that I belonged to that church. I just don't think I need any help in believing in God.'"

For the past nine years, Lamer (who dislikes heat) and his wife (who enjoyed having vacationed at Nuevo Pinaro Valdivia in Mexico) "So I put on No. 85 macramé and my bag hat and read on the beach and came home with no sunburn," Lamer says. He has lost 20 lb making an exercise bike at home; on weekends, he and Denise go for two-hour walks. "Some people think I am sick or something," he chuckles. "I have had nerves for three. Others think that as soon as I turn 65 on July 8, I'm going to retire. I have very bad news for them." Then he adds: "But let's be realistic. As you get on, like an old hockey player, you don't point to the corners any more and you don't stick in front of the net." But starting next week, the years notwithstanding, they Lamer will go into the corners at least one more time. □

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known as the *Anglo shop*. "In those days you were a French Canadian, you didn't get to be a lawyer for the Royal Bank of Canada," Lamer says. "Those provinces were kept for the Anglo community. I'm not saying this with any bitterness—that's the way it was."

When the Quebec government introduced a workers' compensation board where applicants did not need lawyers, Lamer started a personality business representing oversight. But the cry heard then as a police attorney to advise the department on legal procedure. "When the Crash came in 20, he was making \$200 a week, which was lots and lots of money—lawyers were happy if they were drafting contracts," Lamer says. "The problem was that he stayed at \$200 a week for about 30 years." His father wanted to private practice for several years and his death in 1960.

In 1966, Lamer got his law degree from the University of Montreal and was called to the bar a year later. He joined a law firm and also served as a lecturer at the university's school of criminology. In 1969, when Lamer was only 38, Turner made him a trial judge of the Quebec Superior Court. But only two years later, he took a leave of absence to join the law reform commission. On March 2, 1976, a month before he became commission chairman, Lamer gave perhaps the most revealing interview of his career while attending the Commonwealth Caribbean-Canadian Law Conference in Jamaica.

He made headlines with his observation that tough Criminal Code sentences being imposed at the time would diminish personal liberty among Canadians, who were either too apathetic or ignorant of the consequences. With the charter six years in the future, Lamer said: "I worry that we don't have any kind of consensus behind our legislation. You have to decide whether we are prepared to live with

**With Denise Tremblay  
"Love in the face of power  
has disappeared"**



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# Life away from the court

The work can be isolating and demanding

When they put on their black incourt hats and ceremonial red robes, trained with white ermine, it is hard at first glance to tell one from the other. Even Indians, in working black robes, there is a unifying sameness to their courtroom demeanor, stiffness and dress. But in relaxed and private conversation away from the bench, the nine judges of the Supreme Court of Canada reveal vastly different backgrounds, personalities and attitudes toward the task of meticulously applying the law of the land. "I would never know if watching how serious they can be while hearing a case," says one court insider, "but they are as approachable, down-to-earth bunch."

Eight of the nine were already lower-court judges when they were appointed, sometimes just those had been a Toronto trial lawyer. While the pay is handsome—\$204,000 a year (the chief justice makes \$220,500)—most of them could easily earn twice to three times as much (and some don't practice law). Among them, they have 40 earned and honorary degrees and international awards. But the isolation and demands of life in the top—resolving with complex legal arguments, wading through precedents, feeling over decisions—has driven more than one judge to a nervous breakdown and early retirement.

Others thrive. "I feel that some days I shouldn't draw a salary," says Vancouver-born Justice Frank Iacobucci, 66, the son of Italian immigrant parents. "Some days I think they don't pay me enough. But overall, absolutely, it's an honor to be here, no doubt of that." Of his childhood, he says, "We came, not from the wrong side of the street, but the poor side and I'm not convinced the poor side is the wrong side." A former chief justice of the Federal Court of Canada, Iacobucci is an honorary citizen of his sacred village of Montepice in Italy and is rewarded among the Supreme Court staff for his initiation of Gnocchi Mares.

The judges range in age from 50 (Michel Bastarache) to 73-year-old Peter Cory, who plays a lot of tennis and squash and has a basketball that brings tears to the eyes. A Second World War bomber pilot (22 missions over occupied Europe), Cory, a native of Windsor, Ont., says he returned to civilian life not knowing whether "he plays hockey or drink beer." He opted for law and practiced it for 25 years. Does he ever lose sleep over a judgment? "So many of the areas we have to deal with are emotional and do not lend themselves to black-and-white answers, so of course there's concern and worry and sleeplessness," he says. "Have I come off properly? Have I forgotten something?" He is a favorite of the staff and often relies on distributing cookies from a jar.

Justices Claire L'Heureux-Dubé, 70, Charles Gauthier, 69, and



Cory (left), Bastarache: vastly different backgrounds and personalities



McLachlin: Assailed by the spotlight



John Major, 67, and to be more reserved. And neither justices Binnie, 58, nor Bastarache have been around long enough to establish a style. Asked why he picked law as a career, Bastarache replies: "It's funny, I didn't pick law. I had no idea that I'd like to teach, so I told my father, 'Well, I think I'd do a master's degree in education.' He said, 'One day dead body it's a waste of time.'"

The only woman on the court besides L'Heureux-Dubé is Justice Beverley McLachlin, a 54-year-old native of Puchuck Creek, Alta., and former chief justice of the British Columbia Supreme Court's trial division. Keeping in mind that men and women undergo the same legal training, McLachlin says, "There are cases where it may be that a woman will have a perspective that comes from being female and from the experience she has had with that."

She recalls presiding over a case dealing with the division of marital property between a couple seeking a divorce. Everyone in the court—judge, wife, wife's lawyer, court clerk and court reporter—was female except for the husband. When she asked him to tell his side of the story, he seemed nervous and hesitant. "I asked him, 'Is there a problem?' and he looked around and smiled. Finally, I feel a little awkward," McLachlin says. "My immediate response was to assure him that he shouldn't feel that way, that justice would be done. But when I put him that day I reflected how many women over the years have stood before courts and felt a little out-numbered!" Because of his wariness of any esteemed judge, compassion mixed with toughness, and an overwhelming respect for the rigorous standards of the law.

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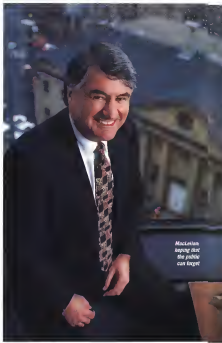
# Strategic moves

## Election fever is running high in Nova Scotia

BY BRIAN BERGMAN

As a devotee of the *kwacs* in Nova Scotia, Premier Russell MacLellan has learned it is to both pursue and execute. The *Kwacs* material is, in which MacLellan holds a black belt, teaches adherents to test out their opponents, striking only when they are most vulnerable. Since his victory in a bitterly contested Liberal leadership convention in July, it appears that MacLellan has applied some of the *kwacs* lessons to his life in politics. He is using the temptation to call a snap election to take advantage of a post-convention "bounce." MacLellan opted instead to stretch the Liberals' mandate into its fifth and final year. The aim was to establish a track record of his own—and turn the opposition parties at their most potent weaknesses by extending many of the unpopular policies of his predecessor, John Savage. The strategy worked: the latest public opinion polls show the Liberals, who seemed destined for defeat, as the clear favorites to win the election that will be called in a matter of weeks, if not days. "I think the momentum has shifted," MacLellan told *Maclean's*. "Our message appears to be getting through."

And what exactly is this message? Like other leaders who have taken over latter administrations, MacLellan is promising voters that he will be more open and responsive to their concerns than might have been the case in the recent past. But according to MacLellan's school political foes, he is also cynically attempting to trade Nova Scotians' anger at the legacy of the Savage years, which included a series of painful spending cuts to the province's health-care and education systems in an ultimately unsuccessful bid to eliminate the \$471-million deficit the Liberals inherited from the Conservatives in 1995. "The Liberals are engaged in a large, elaborate and expensive campaign to trick a series of innocent only Nova Scotians that the past 4½ years haven't happened," says NDP leader Robert Chisholm, whose party has also enjoyed a recent surge in support. Current Conservative leader John Blum, a



MacLellan keeping the public can expect

with a hint of exaggeration in his voice. "MacLellan himself has become the opposition. He has been undoing the things we had spoken out against over the last four years."

The premier, who has cultivated political allies that are not readily apparent, using a previous 18-year stint as a backbench Liberal MP from Cape Breton, makes no secret of his intentions. "You can't tell voters what to judge you on," he says, "but we hope that we'll be judged mainly on what we've done since July 1996—the day he was the Liberal leader." MacLellan is making no apologies for distancing himself from Savage, who quickly fell out of public favor after leading his party to an impressive victory in 1993 (the Liberals held 39 seats in the legislature, compared with six for the Tories and four for the NDP). "I've hadn't renewed the things," says MacLellan, "then voters would say, 'OK, fine, we'll vote for someone who will.'"

The Liberals' political makeover began just two days after MacLellan defeated Savage's former deputy minister, Bernie Beaudin, and two other leadership contenders in a caucus vote. Nova Scotia's 10th premier. During the leadership race, MacLellan sharply criticized a deal negotiated by the Savage government that granted mining rights to New Brunswick's precious jewel: the natural gas that is expected to flow from the bubble island gas reserves off Nova Scotia's east coast by 1999. On July 14, fresh from his victory, MacLellan appeared at the deadline of MacLellan Energy Board hearings into the

60-billion gas project to reveal that his government was renegeing on the three-week-old deal, and he demanded instead that Nova Scotia, because of their proximity to the gas, receive a more significant power advantage over New Brunswick gas users—more than double what the original agreement called for.

At the time, New Brunswick officials and MacLellan were simply grandstanding, and that his intervention had come too late to make any real difference. They were proven right, when the energy board gave its blessing to the gas project in late October. It ruled that the deal negotiated by the Savage premier was sound, but MacLellan had already scored a publicity coup, generating breath-stuff coverage that lent the impression of a new leader boldly standing up for his province's interests. And in the intervening months, MacLellan personally oversaw negotiations aimed at winning new concessions from the oil consortium behind the project. Among other things, the companies agreed to set up a \$40-million fund to provide research to Nova Scotia consumers. While the changes fell short of what MacLellan had promised as a leadership candidate, they were no sooner with much fanfare—and once again, the premier was the image sweepstakes. The front page of the next day's *Chronicle Herald*, the province's largest newspaper, featured a beaming

MacLellan surrounded by applauding Liberal MPs across the hallways. "It's a coup," says *Sabbie* editor.

Locally enough, MacLellan has

## ARE VOTERS READY FOR THE NDP?

Since becoming Nova Scotia's premier seven months ago, Russell MacLellan has reserved his harshest rhetoric for the NDP, which until recently was but a blip on the province's political radar. "You just cannot listen to the whining, weeping and negativity of the NDP and feel good about the future," MacLellan recently told cheering Liberal supporters in Cape Breton. "You listen to them go on and on, and your first reaction is to go home and drink testosterone." MacLellan's rhetoric is aimed to the ears of Robert Chisholm, who leads the tiny but fast-growing NDP unit in the Nova Scotia House of Assembly. "It indicates that we are the real opposition in the province," says Chisholm. In fact, the breakthrough NDP victories in Nova Scotia in last June's federal election—the party won two of the province's 11 seats, all at the expense of Jean Chretien's Liberals—combined with provincial polling numbers that regularly show the 30-per-cent mark, have many NDPers convinced they enjoy a real shot at power. "We know there's extreme volatility in the electorate," says Chisholm. "The question now is: are they ready to take the leap and vote for us?"

In a province that has a century-old tradition of electing Conservative or Liberal governments, that would be a historic



Chisholm with McDougall still a long shot

event. Little wonder, then, that the NDP's detractors are urging voters to look before they leap. MacLellan spends no opportunity to denigrate his opponents as "Chisholm and the socialists" who should never be entrusted with the province's affairs. Others raise the specter of Bob Rae, the former NDP premier of Ontario who briefly took the political mantle in that province—only to be seen jacking after one fiscally disastrous term in office.

Chisholm rejects it all as "muds under the bed" scaremongering. But he does acknowledge one issue from the experience in Ontario, where the NDP never succeeded: how the 1990 provincial election and came into office encumbered by some expensive election promises. "After Bob

Rae, I don't think any opposition party can be too loose and fancy free about what it says and does," notes Chisholm. "What voters need to do today, you have to be prepared to be held accountable for tomorrow."

As a result, Nova Scotians can expect to hear little in the way of radical rhetoric from the 40-year-old Chisholm, a former union education officer who was elected NDP leader in March, 1994, after winning the provincial election. Alicia McDougall went on to head the federal party. Instead, Chisholm will continue to hammer away at the unpopular Liberal record, including funding cuts to health care and education. "We must eliminate the massive deficit," he promises. Says Adamson, "he is learning to be quite an astute politician in terms of not getting out too far in front of the people."

For all that, Adamson says the prospect of an NDP government in such a traditionally conservative province as Nova Scotia remains a long shot—something Chisholm himself seems to recognize. "Look, I've got four members out of a legislature of 52," he says. "At this point, I'm not going to start walking around like a premature-walker." With an election fast approaching, he is much more intent on thwarting Russell MacLellan's attempts to make voters forget about the past four years of Liberal rule.

A.B.

benefited from the balanced budget he owed to him by the Senate to start getting money back into health care and education—two areas hardest hit by Savage-era spending cuts. At the same time—and with varying degrees of success—MacLellan has taken on other unpopular aspects of the Savage record. As a leadership candidate, he had vowed to get rid of the loaves on the province's first toll highway, which opened in December. As premier, he had to settle for a discount that halved the toll for frequent users from 35 to 15.50. MacLellan delighted environmentalists by reversing the Savage government's ban on adding zinc to gasoline, a move that cost the province \$100 million. But he also provided a loan to a Toronto-based Regal Goldfields Ltd., which is seeking to have the area reopened to mining or, failing that, to be compensated for lost income.

There are other thorny challenges ahead. A longstanding promise to give low-income Ontarians a \$100-a-month tax rebate has been shelved. As of last week, unutilized MacLellan's government is also in the midst of sensitive contract negotiations involving more than 50,000 public sector employees. Coming all a three-year wage freeze imposed by the Savage Liberals, seniors are seeking hefty pay hikes. Both the contract talks and the proposed tax break could prove costly for a government that is running a \$1.1-billion budget surplus for the 1997-98 fiscal year. Handled badly, they could also shake the long-standing faith of the voting public.

For the time being, though, Nova Scotia appears ready to make a bid for MacLellan's second chance at the provincial election that must be held no later than May. The latest poll released by Halifax-based Corporate Research Associates in early December, showed the Liberals with 49 percent support against devoted opponents with 31 per cent. The NDP and PC parties have 11 per cent and 10 per cent, respectively, for the Tories. That reflects a dramatic rebound in Liberal fortunes since last May, when the party registered only 26-per-cent support, trailing the NDP at 33 per cent and the Tories at 39 per cent. At Acadia University political scientist Agar Adelman says voters seem to be embracing MacLellan even though he is a Tory, "either as an issue of his promises. 'I think people are giving him credit for that,'" observes Adelman, "rather than criticizing him for not always succeeding."

Part of that may have to do with MacLellan's leadership style. The 58-year-old Cape Bretoner has an affable, folksy manner—much in contrast to Savage, who struck many voters as cold or even arrogant. For MacLellan, who has been too busy lately to practice his beloved law, those attributes will come in handy as he prepares for the fight of his life. □

## The Gray millennium



**H**erb Gray has heard all variations of the joke, even told it himself. He was chosen to lead the national millennium celebrations, because he is the only person in Ottawa who has been around long enough to remember when the millennium turned the last year. What passes for a side-splitter in Ottawa actually plays off the fact that this year marks the 30th anniversary of Gray's first election to the House of Commons, an unlikely rise through 22 elections that rivals the Windsor, Ont., MP and deputy prime minister the lion Man of the Commons. He has seen the Liberal party through its love affair with the 30th anniversary of Gray's first election to the House of Commons, an unlikely rise through 22 elections that rivals the Windsor, Ont., MP and deputy prime minister the lion Man of the Commons. He has seen the Liberal party through its love affair with the 30th anniversary of Gray's first election to the House of Commons, an unlikely rise through 22 elections that rivals the Windsor, Ont., MP and deputy prime minister the lion Man of the Commons.

**Herb Gray may seem to be an unlikely choice to plan a party—but he is the safest of hands**

Christians make little secret of his desire to be in office when the calendar is flipped on Dec. 31, 1999. I plan to plan an election with 98.99 per cent of the vote, he boasted over the last century's turning, and he is eager to reap the political boost to be had from a national jubilee celebration (led from a national Quebec celebration) alongside his southern Quebec neighbours (also kicking). The millennium may have all the real significance of an odometer rolling over to tens but, popular interest seems to be leading him. Gray has already seen how to use the millennium as a summer national Liberal party show (70-per-cent support for his millennium scholarship deal to help students with the rising costs of higher education). And the initiative showed how the cadet of the year 2000 unfolds some pleasant political possibilities.

The civilist, at 60 years, is no hot new kid—as the British began to be doing with their own year 2000 plans. British Prime Minister Tony Blair inherited a grassroots millennium project from the last Tory government—a \$840-million dance to be back on

the Greenwich prime meridian where the first split second of the new century will tick—and immediately tick to lose with its precision. He appointed Peter Mandelson, a clever but controversial adviser, to decide what should be displayed, music, an unbearably surreal through 22 elections that rivals the Windsor, Ont., MP and deputy prime minister the lion Man of the Commons. He has seen the Liberal party through its love affair with the 30th anniversary of Gray's first election to the House of Commons, an unlikely rise through 22 elections that rivals the Windsor, Ont., MP and deputy prime minister the lion Man of the Commons.

In choosing Gray, Chrétien avoided those mistakes Gray represents the safe old hands, able to work happily with his cabinet ministers. He has always been the calmest on the floor of the Commons. Whenever Liberal leader John Turner's antics were too far, Gray would intervene to divert attention from yet another leadership crisis, they would send Gray out to greet with the likes of Barbara Frum because, as a Turner aide explained, "when Herb comes on, television sets go off."

The small towns of affairs reporting to Gray has emphasized consultation over directives, and he has made clear there will be no shouting money around the big capital projects, no budgets and no sudden shifts in the Greenwich sense. There will almost surely be a party on Parliament Hill, and people may be encouraged to throw their own miniature New Year's Eve parties—paying for the champagne themselves. But Gray's aim is to drive programs that leave a legacy, such as to develop local parks or to help young Canadians travel their own country a little more.

He has no any-party notions about how to mark the moment, no games to alter his appearance. The required meeting for the Ottawa plenarians is not Neotraditional but Pierre Berton, whose book, 1967, talks how the centennial year celebrations came to be. The civilist, at 60 years, is no hot new kid—as the British began to be doing with their own year 2000 plans. British Prime Minister Tony Blair inherited a grassroots millennium project from the last Tory government—a \$840-million dance to be back on

## Canada NOTES

### A POLITICIAN'S WORTH

A government-appointed commission recommended that MPs should be paid \$190,010 a year, while senators should get \$83,620—with salaries fully taxed. MPs' salaries currently earn \$64,400 a year with MPs getting a \$15,300 low-income allowance and senators receiving \$10,100. The pension plan would be based on 2.5 per cent of an MP's net salary instead of four per cent of the old remuneration. An MP's living allowance would double to \$12,000 a year.

### AFTER MCKENNA

New Brunswick energy minister Greg Bragg, 37, entered the race to succeed former Liberal leader and premier Frank McKenna, who resigned October after 10 years in office. Bragg's opponents are cabinet colleague Bernard Richard, 46, and front-runner Camille Thériault, 42, also a cabinet minister. The other candidates are expected for the May 2 leadership convention.

### \$1 BILLION, PLEASE

The Quebec government asked Ottawa for \$1 billion to help pay for development but has not made a decision on the amount. About \$600-million of that would go to the provincial utility, Hydro Quebec, whose network was crippled by the destruction of almost 1,000 pylons and 20,000 high-voltage poles. Both governments are in negotiations to determine the final amount of aid.

### POLICE CHIEF CHARGED

Byron Costello, once of the York Region Police force north of Toronto, was charged with five counts of breach of trust. The charges are connected to the use of a computer, cell phone and study copies for private work. One charge relates to a \$125,000 payment Costello, 49, received from telecommunications manufacturer Magna International Inc. for consulting services to be provided after his retirement. He resigned from the 700-member force.

### AN OFFER TO THE DIONNES

Ottawa Premier Mike Harris said his government has offered financial compensation for the three surviving Dionne quads. Harris would not reveal how much money was involved. The Dionnes—Cécile, Yvonne and Arnette, now 63—live the province's most famous twin trio.



Parsons with his wife, Lisa, and son, Zachary, in London

## DNA's long reach

**T**he importance of DNA evidence was highlighted yet again last week in the case of Gregory Parsons. In 1994, the 36-year-old man of the John's, Nfld., was found guilty of the 1991 murder of his mother, Catherine Carson. Parsons appealed last week a new trial, which was set to begin next month. But while a DNA analysis in 1991 was inconclusive, more sophisticated

tests done later showed that DNA taken at the crime scene belonged to another, as yet unidentified, man. As a result, Carson prosecutors staged the charges against Parsons—a bathroom victory because a stay of proceedings to pursue the charge within a year "is hard to believe an innocent man can go through seven years of this torture," said the former gynecologist who spent three months in jail.

Parsons, who is suing for a retrial, was in London, Ont., last week for a hearing led by Justice Levesay. The Toronto lawyer who has represented Greg Paul Morris and David Miguao—both of whom were cleared of murder by DNA evidence last week—the 160-day inquiry into Morris' wrongful conviction ended in Toronto with a report expected by March 31 in London, Ont., meanwhile, police said new DNA technology warrants taking another look at 98 unsolved homicides from between 1966 and 1980, with victims aged 1 to 66. DNA tests have already linked a few of the cases. Should the trial or trials be found, the so-called DNA prints would likely be stored in a new DNA data bank. A Commons justice committee is now studying the creation of such a bank.

## Young under the gun

**M**Ps returned to Ottawa after their winter break—with the opposition taking aim at former cabinet minister and now Ottawa lobbyist Doug Young. The controversy centres on a \$584-million toll highway being built between Fredericton and Moncton, N.B., in which Ottawa is co-financing \$32 million until a 1996 agreement signed by Young, who was transport minister at the time. Defeated in the 1995 election, the Liberals now Brunswick MP last August because he predicted later chairman of Maritime Road Development Corp., the consortium that, in January, was the provincial contract to build the highway. Inside the House, Young leader Jean Charest said the project and Young's role amounted to "highway robbery."

According to Ottawa guidelines, for two years after leaving office, a former minister cannot work for a company or project that would be directly affected by his decisions as minister. But federal

opposition spokesman Bernard Wheat said the rules do not apply: Ottawa has no jurisdiction over the highway, and talks to lead the deal were strictly with the province. Opposition MPs will likely keep an eye on Young and Senator Stelmach, a lobby firm he started with former Liberal MP Paul Zed. Last week, the RCMP, with private investigators, raided Stelmach's in an effort to convince the federal government that the firm deserves a pay increase.

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# The Clinton paradox

So, what do we tell the kids? There are many reasons why Bill Clinton's alleged trysts with Monica Lewinsky trouble Americans—especially American women. The idea of the

President of the United States having sex with a young intern only steps from the Oval Office is bad enough. That he may have had about it or encouraged others to lie, say more, is even worse. But in a good many people, the worst part of all is sitting uncomfortably beside young children in the evening news center-together discuss such matters in real time. Ethel Goldberg, a marriage counselor in Cincinnati, says her eight-year-old son, Rick, just covers his ears and leaves the room when Clinton's troubles are blared into their living room. "He says, 'I don't want to hear this,'" May Beth Bowen, a teacher in Washington and the author of two books, has overheard fifth-graders discussing explicit sexual matters. "Their minds are being put in the sewer," she says, "and it's because of the President, for heaven's sake."

The political and legal issues raised by the Lewinsky affair continued to toll Washington last week, as the standoff between Clinton's White House and the special prosecutor investigating the matter, Kenneth Starr, became increasingly bitter. Clinton's aides, and the President himself, accused Starr's office of leaking false and damaging information—especially a report that Clinton might have tried to influence testimony about the controversy by his personal secretary, Betty Currie. According to the report in *The New York Times*, Clinton may have tried to coach Currie to say that he and Lewinsky had never been alone together while Currie told a grand jury composed by Starr exactly the opposite. If Clinton tried to influence his secretary's testimony, that would be a very serious development—but both he and Currie, through her lawyers, flatly denied it, with the President insisting "I've never asked anybody to do anything that I'd tell the truth."

Who leaked what-to-whom-and-why may have been the immediate issue. But like all great controversies, *Jefferson* Lewinsky shows a bright light on America's shifting social values. Suddenly, Americans were forced to confront a troubling paradox. The blizzard of opinion polls conducted since the first report on Jan. 21 of the alleged scandal have helped Clinton and his advisers show two things. Most Americans do not believe their President's pronouncements of innocence; they think he did commit adultery in the White House and is probably lying about it. At the same time, they say record numbers do not want him to be fired and should not be forced from office. And

ANDREW PHILLIPS  
IN WASHINGTON

perhaps most striking, given the nature of the allegations, women are standing more staunchly beside Clinton than are men. When his support briefly dipped in the first shock of the scandal, that was due almost entirely to male voters registering negative opinions. Women stayed with him, and many men then returned to help-line his approval ratings to record levels—over 70 per cent in some surveys.

Clinton's apparent indiscretions do not sit well with many voters, and many women. Their support for Clinton in 1996 was 11 percent age points higher than men's—the so-called gender gap. Now, they face yet more evidence that the man who seems to best articulate their values may be, in his private life, a serial philanderer who used the power of his office to treat a young woman like a sex toy. There is no shortage of explanations for his political pull. Women like his policies. They like the way he shows his softer, feminine side. They admire his wife. And yes, they like his charm and good looks. All that makes the allegations against him more difficult to accept. "This is the hard stuff—when someone is your friend and supporter," says Debbie Walsh, acting director of the Center for the American Women and Politics at Rutgers University in New Brunswick, N.J. "It's painful to think there's another side to him."

Clinton's wife made her first public appearance last week at the White House. He is a fourth-grade teacher in New Orleans and the mother of two young boys. She waited for Clinton in 1992 and again in 1996, but has reluctantly concluded that "it looks like he's been carrying on." It is, she says, "disgusting" for her married sons to be acting like that—but for the President of the United States to be just as reprehensible. These things are out there for our kids to hear. It's embarrassing."

Still, she reflected last week, the United States is doing better than ever before and Clinton's policies on such issues as education and child care are the best she has seen. "I don't want us to get into a position where we're impeaching a president over a thing like this. It would be so disastrous. Bill Clinton is just a president for our times. Maybe that's what's so scary?" But doesn't that mean putting aside basic moral standards? She paused and asked, "Do we have any left in the United States?"

Some conservative commentators, faced with the public's apparent willingness to tolerate reprehensible behavior in exchange for a sound economy, are loudly asking: What, Benetton, a cocaine education secretary under Ronald Reagan and author of the infamous aerial tour? The *Book of Wives*, wondered in a television interview last week, "Is the argument that to have effective govern-



With Clinton and across Marjorie Ford at a state dinner, allegations about a secretary's note showed that the saga was far from over

ment we have to have a leaver in office? Hasn't come to that?" Actually, say some who have closely tracked attitudes towards the latest scandal, probably not.

Alexis Bledsoe, executive vice president of the Independent Women's Forum, a conservative think-tank in Washington, insists that Clinton's charisma have not robbed women of their moral bearings. "They wouldn't do these things themselves, but they won't make judgments for others," she says. "It's not as much a lowering of standards, as it is a loss of the concept of standards. Bigger judgment has become the ultimate sin." Agnes Holmes, Flanagan, president of a Republican consulting firm called The Polling Company, "To even speak of credibility now is tantamount to requesting to passing judgment. People are really reluctant to do that."

In that, women may be following the lead of Susan B. Anthony, the legendary American suffragist who once wrote, "If a man's public record be a clear one, if he has kept his pledges before the world, I do not inquire what his private life may have been." Ethel Goldberg, who volunteers on Democratic party campaigns and voted for Clinton twice, calls him "the best president of my lifetime." The media should be trusted, she says, for carefully sifting through allegations and leading itself to an "orchestrated character assassination against the President." And finally, she says, "what we're finding out is that there's nothing new under the sun." Revelations about the extramarital affairs of former presidents John F. Kennedy, Lyndon Johnson and even the seated Franklin Roosevelt have taken the edge off the latest allegations. "The fact that we're finding it out while it's

going on may be new, but the kind of thing that may be going on isn't new," she says. "The major test question is, has he executed his duties honestly and responsibly? And that shakes out quite well."

There is, though, little sign that events have come to pass. "These things have just their shock value," Edens Luky, a mother of three in Cincinnati who sends her children to Catholic schools, said with some sadness. "Frankly I wish it wasn't like that. I'd prefer to live in the past a bit, but that's society." Luky did not vote for Clinton, but acknowledges her remarkable political skills. "I think he'll stay in office. I think he'll somehow wound out of it some."

Women have also reached against the "victim women" in the story. Lewinsky polls and anecdotal evidence suggest that she has drawn little sympathy as a young and possibly vulnerable young woman. A survey by Fox News asked whether Lewinsky was "an average girl taken advantage of" or "a young tramp looking for thrills." By a margin of 56 to 18 per cent, women chose tramp. Any feeling of sisterhood has been extended to Hillary Clinton as the apparently wronged wife. "Women seem to be blaming the victim," says Bledsoe. "The feeling seems to be the little bunny shouldn't have come on to him, and the great man shouldn't be disturbed."

Certainly, major feminist organizations have been quiet. Conservatives point out that those groups rallied around Anita Hill in 1991, when she accused conservative Supreme Court nominee Clarence Thomas of sexual harassment, and quickly demanded the resignation of Republican Senator Robert Packwood in 1983 when he was accused of the same offense. Clinton, however, has kept their

33.05%  
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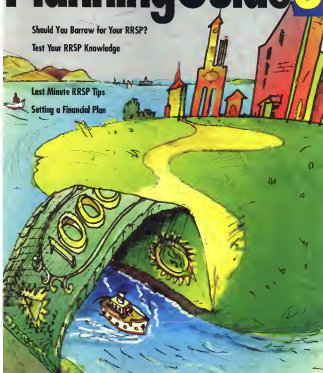
# Planning Guide 3

Should You Borrow for Your RRSP?

Test Your RRSP Knowledge

Last Minute RRSP Tips

Setting a Financial Plan





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## A Summary of the Rules

**Y**our RRSP is the best way to save for retirement. Money in an RRSP grows untaxed as long as it remains in the plan.

Moreover, your contributions are tax deductible. To get a deduction for the 1997 tax year, the deadline for contributions is Monday, March 2, 1998. Your maximum deductible contribution is 18 per cent of your 1996 earned income to a maximum of \$13,500. From this, you must subtract any pension adjustments if you are a member of a pension plan. You can add to your contribution any missed contributions from previous years beginning with 1991.



ILLUSTRATION: ROBERT HANCOCK

## Should You Borrow for Your RRSP?

The question many people ask themselves at this time each year is whether they should borrow money to contribute to their RRSPs. Virtually every bank and other lending institution offers RRSP loans so access to funds is no problem. The

loan rate is generally at prime so the cost is not high. The big incentive, of course, is to reduce taxes now. In fact, someone with contribution room of \$13,500 and a marginal tax rate of 51 per cent will save \$6,885 in taxes!

But whether you should go ahead and borrow depends on your own unique situation. You should consider your other debts, your marginal tax rate, your future income level, your ability to pay back the loan quickly, and the expected rate of return you will earn on the borrowed funds in your RRSP. If you decide against borrowing, you do not lose your contribution. You just add it to next year's and carry it forward.

Look first at your other debts. If all your credit cards are strung out to their limit, the last thing you need is additional debt. You already have difficulty making payments and an RRSP loan will likely put you in a worse position. The only debt you should be considering is a loan to consolidate your high-interest debts. Once you have these debts under control, you can consider borrowing funds to catch up on your RRSP contributions.

Consider your marginal tax rate. If you are at the low end of the spectrum at about 26 per cent, your tax savings will be minimal. That means your potential refund will cover only about one-quarter of the loan. You are probably better off waiting until your income level is higher, at which time you will have the cash to contribute, as well as a larger tax deduction from RRSP contributions.

In all cases, you should look at how you intend to repay the loan. Will your tax refund and cash flow be enough to

retire the loan within one year? In addition, will you be in a position to save the funds you need to make next year's contribution? If you see your cash flow and balance sheet improving, by all means go ahead. But if you see yourself in the same or a worse position at this time next year, you might be better off saying no to a loan. Instead, take the money you would have used to make payments each month and contribute it to a plan for 1998. You can always borrow to catch up on your unused contributions at some point in the future. Your decision should also reflect the rates at

which you expect. It makes little sense to borrow if you have major concerns about the direction of the markets near term. Alternatively, purchase money market mutual funds for your RRSP with the loan and aware that money into equities as prices move lower or the future becomes less certain.

## Smoke and Mirrors

Use your RRSP for what it is intended. A tax-oriented means of saving for your retirement. Indeed, most people do just that. However, there are always some who look for a little bit extra. If you hear of a scheme that sounds too good to be true, it probably is. In fact, there have been many strategies bandied about over the years that look extremely good on paper, but can be very costly if the markets move the wrong way, especially if the scheme requires the use of borrowed funds. For example, a person might borrow \$200,000 for investment purposes and use

the \$13,500 that might otherwise be contributed to an RRSP to pay the interest. If you earn 15 per cent a year compounded for the next five years, you will have a \$200,000 profit, or about \$125,000 after tax. You then contribute \$67,500 to your RRSP and get a tax break (assuming you do not trigger alternative minimum tax), and you will have some cash left over. Of course, if the market falls to meet your expectations, the profits will not be as great. The worst-case scenario would be for the market to fall dramatically. Unless your loan is secured, you could be forced to liquidate or put up additional security.



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## TEST YOUR RRSP KNOWLEDGE

Some of the RRSP rules are complex.  
Here are 10 questions to test your knowledge.

1. The last day you can have an RRSP is:
  - a) your 60th birthday
  - b) Dec. 31 of the year when you turn 69
  - c) Dec. 31 of the year when your spouse turns 69
  - d) your 71st birthday
  - e) the 60th day of the year following the year when you turn 69
  - f) Dec. 31 of the year when you turn 71
2. RRSP contribution limits are scheduled to rise to \$14,500 in:
  - a) 1998
  - b) 2000
  - c) 2002
  - d) 2004
  - e) 2006
3. You can carry forward unused RRSP contributions:
  - a) 1 year
  - b) 3 years
  - c) 5 years
  - d) 7 years
  - e) indefinitely
4. Which of the following investments does not qualify for your RRSP?
  - a) Canada Savings Bonds
  - b) units of a mutual fund that invests in precious metals
  - c) equity call options traded on a Canadian exchange
  - d) equity put options traded on a Canadian exchange
5. Which of the following statements is true?
  - a) shares of labor sponsored investment funds
  - b) Interest on money borrowed to make an RRSP contribution is deductible from income for tax purposes
  - c) Annual RRSP trustee fees are deductible from income for tax purposes
  - d) The minimum age for an RRSP is 18
  - e) The minimum age for a RRRF is 60.
6. Which of the following statements about the Home Buyer's Plan is false?
  - a) You are allowed to withdraw up to \$20,000 tax-free to buy or build a home



## TEST YOUR RRSP KNOWLEDGE

- b) You cannot participate if you or your spouse ever owned a home in which either of you resided.
- c) You must repay any funds withdrawn under the plan in no more than 15 years.
- d) You may not be able to deduct contributions made to your RRSP if you withdraw funds under the plan in the subsequent 89 days.
- e) You have to be a resident of Canada to receive funds under the HBP.

### 8. Which of the following statements is true?

- a) You can only make a contribution to a spousal plan if your spouse does not make a contribution that year.
- b) If a spouse cashes in a spousal plan in the year in which the contribution was made, the proceeds will be paid to the contributor.
- c) If a spouse cashes in a spousal plan in the year after the contribution was made, the contributor must declare the proceeds as income.
- d) You can transfer your lump sum pension benefits to a spousal RRSP.
- e) Only the contributor may determine what investments are made for a spousal plan.

### 9. When your RRSP matures you can:

- a) cash it in and pay tax on the proceeds.
- b) transfer the proceeds to an RRIF.
- c) purchase a life annuity issued by an insurance company.
- d) purchase a term annuity that provides payments that must end before age 90.
- e) a, b, c and d.

### 10. Your maximum RRSP contribution is based on your earned income in the previous year. Earned income excludes:

- a) dividend income
- b) net rental income
- c) alimony
- d) royalties
- e) a, b, c and d.

ANSWERS: 7. c) 8. e) 9. e) 10. e)



### 7. The average 10-year compound return for RRSP-eligible Canadian equity funds is approximately:

- a) 20 per cent
- b) 17 per cent
- c) 14 per cent
- d) 11 per cent
- e) 8 per cent



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### Your Last-Minute RRSP

Don't leave making your RRSP contribution until Monday, March 2. You might have some difficulty getting the level of advice you need. However, if you have not made your 1997 contribution yet, do not make any investment decisions until you have all the information you need. Your best RRSP investment for the last minute is either an RRSP-eligible money-market fund or an RRSP-eligible savings account with a financial institution. In both cases you will get an investment that is virtually risk-free. And you will meet your objective of getting a tax deferral. Once you have met the deadline you can investigate your options when you have more time and move the money into something that better suits your long-term needs.

Your choice of money-market fund or savings account



should be based on convenience, cost and return. Return, of course, is important. But if you intend to move the money within a few weeks, even a few percentage points difference in annual rate will be insignificant in terms of dollars earned over the period. The reality is that you will be lucky to earn one per cent in a savings account, so look at that as a convenient way of getting a tax receipt and nothing more.

If you intend to move the money into the stock market directly, you can contribute the cash to your self-directed RRSP. You will almost certainly earn some interest on the cash balance. Similarly, if you own mutual funds in your RRSP, you can contribute the cash to your plan and earn interest, or purchase units of a money-market fund. You should be able to buy the units of the money-market fund at zero commission. Depending on what arrangements you have with the dealer you may pay a commission when you move that cash into growth or income funds.

If you choose to put the money in the bank, you should be aware that bank charges vary widely. In most cases, however, the charges are not significant. For example, most—but not all—institutions will charge about \$25 for a full or partial withdrawal or a transfer to another institution. That fee may be waived if you use the money to purchase another type of RRSP asset offered by the first institution.

Several institutions offer reduced fees or interest rate bonuses for seniors. Most calculate interest based on the daily closing balance, and compound it monthly or semi-annually. A few compound interest annually. The compounding period can make a very slight difference in your earnings. Rates paid often depend on the amount of money left on deposit.

You are protected if the financial institution, dealer or fund management company should ever run into difficulty. RRSP deposits with banks and trust companies are covered by deposit insurance up to \$60,000 in principal and interest per institution. Cash left in an investment-dealer-sponsored self-directed plan is covered up to \$50,000 by the Canadian Investor Protection Fund. Mutual fund assets are kept separate from a fund management company's assets and are held by a custodian. ■

By Steven G. Keisman

Steven G. Keisman is the author of *RRSPs 1998* and *Understanding Mutual Funds*, and co-author of *Sage Advice: Choosing the Best Financial Advisor for You*.

\*All rates of return and figures, as of December 31, 1997. Please read and use the important information contained in a mutual fund's prospectus before investing. There is no assurance that any fund will achieve its investment objective, that it will meet its stated value, yield and investment return and that its investment performance will be similar to the performance of any other fund. Past performance is not a guarantee of future performance. The indicated value of shares on the last trading day is not necessarily the value of the shares at the time of the advertisement. The value of the shares at the time of the advertisement is not necessarily the value of the shares at the time of the advertisement. The value of the shares at the time of the advertisement is not necessarily the value of the shares at the time of the advertisement.

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Inspecting an F-14 Tomcat at the Gulf, a four-day exercise

carries with as many as 102 F-14 Hornets and F-14 Tomcats aboard. These fighters are fitted with intergraded bombs more accurate than those of the Gulf War, and many of the ships are equipped with powerful Tomahawk cruise missiles. The U.S. Air Force has also deployed eight B-52 aircraft and heavy F-15Es carrying massive "killer bomber" bombs, used to deliver what one general called blows "like Zeus" to Iraq. More American warplanes are based in Saudi Arabia, but the Saudis have not yet given Washington permission to use them. Defense Secretary William Cohen was set to visit Riyadh this week to try to persuade the Saudis to lend to grant access, but he expected only limited success. "The Saudis are Saudi," said a senior U.S. defense official, "but there is a lot of sympathy for the Iraqi people."

The strategic value of the attack, according to Pentagon sources, is likely to concentrate on destroying Iraq's air-surface defense. The next day, U.S. planes would pulverize bases used by Saddam's elite Republican Guard and key Iraqi military centers, such as one near Baghdad used for electronic communications. Finally, the United States has a list with the exact co-ordinates of about 50 locations where Saddam is believed to be storing weapons of mass destruction, including 4,000 gallons of highly lethal anthrax and about 50 containers of sarin gas in 130 barrels. Many of the weapons are believed kept in sight of Saddam's more than 400 imprisoned prisoners, the experts would be destroyed.

Although Clinton has stated that it would be good for the Iraqi people to see "Clinton in Jordan," the administration is not expected to be specifically targeted by the attacks. Any attempt to kill Saddam from the air would require bombing the centre of Baghdad, where Saddam and his millions of Republican Guards are believed to be located. But, because such a raid would result in massive civilian casualties, insiders say it has been all but ruled out. Still, Clinton says he has in running out and no option is off the table. "One way or the other," the President warned last week, "we are determined to deny Iraq the capacity to develop weapons of mass destruction and to deliver them to whom they wish." U.S. bombers should, ready to back him up.

TOM FENNELAND and WILLIAM LUTHERAN at Washington

## World NOTES

### AFGHAN QUAKE

A heavy earthquake measuring 6.1 on the Richter scale hit the remote northeastern region of Afghanistan and authorities said that more than 4,000 people may have perished. The high region of mud-brick is controlled by rebels who have fought a civil war against the fundamentalist Taliban Islamic government. Some aid workers were skeptical of the death toll given by the rebel alliance, noting past exaggerations and the fact that the area was sparsely populated.

### KOHL UNDER ATTACK

Germany's jobless rate rose to its highest level since the Second World War, threatening next fall's re-election prospects for Chancellor Helmut Kohl, who has started his campaign on economic recovery. Protesters marched in several cities after authorities said 12.6 per cent of the workforce was unemployed, adding 100,000 in western Germany since the end of the war.

### REMEMBERING REAGAN

The Republican-dominated U.S. Congress voted to rename the capital's airport Ronald Reagan Washington National Airport, to honor the Republican former president who at 85 is suffering from Alzheimer's disease. But the change was highly controversial among Reagan's critics, especially the association representing air traffic controllers. "I'd rather have his polio than his mind," said an association official. Reagan filed 11,000 votes during a fierce debate in 1981.

### PHILIPPINE PLANE CRASH

Mangled human remains were all that could be recovered from a site in the Philippines where a DC-8 jet crashed into a mountain and burst into flames, killing all 104 people aboard. Lame Conkita, a Samaritan monk travelling on business for Bangkok, was among those who died on the southern island of Mindanao. Officials grounded Cebu Pacific Air flights.

### RIOTS IN INDONESIA

Hundreds of people rioted in two Indonesian cities, hurling rocks at store windows in frustration over rising food and fuel prices. Angry mobs smashed windows at a supermarket in Surabaya. Fuel revenue pickpockets added to the anger of citizens railing the government's role in the currency, the rupiah.



Rakoc's rescue ship of the wounded cable car "a terrible act"

## Flying tragically low

A low-flying U.S. military plane severed a ski-lift cable in the Italian Alps, sending 30 people crashing to their deaths in a genocide and sparking a crisis in relations between Rome and Washington. Skiers from six European countries died in the tragedy. Premier Romano Prodi and the president was "a terrible act, a flight nearly amping the ground." Defence Minister Romano

Andreotti called for the pilot to be charged with criminal negligence in Italy, telling parliament that the two eagles let had strayed off course by at least 70 km and was flying below the mountain altitude of 12,000 m. U.S. authorities later admitted the plane was "well below" the limit. Locals in the Dolomite mountains where the accident occurred have long complained about low-flying training missions, both American and Italian. Last week, leftist Italian politicians called for the closure of all seven U.S. bases in Italy.

American Marine Brig Gen. Guy Westerland, deputy commander of NATO's aerial strike and support forces in Southern Europe, described the pilot, Capt. Richard Ashby, 30, as an experienced Marine aviator. The pilot and crew were prohibited from talking about the accident, but Ashby reported they had to have been the tail of his KAM-1 Predator surveillance plane had hit the cable. Low-altitude night flights are considered critical for NATO forces seeking to avoid radar detection while on electronic surveillance missions in Bosnia.

## A battle over Pooh bear

A British MP began a campaign to get the original stuffed animal at Windsor. The Pooh, 19 years, George and Piglet belonged to Britain from the New York.

Public Library, where they have been on display since 1987. The trip originally belonged to Christopher Robin Milne, the son of A. A. Milne, who wrote the children's classics *Winnie-the-Pooh* and *The House at Pooh Corner* in the 1920s. "I saw them recently and they look very unhappy," Labour MP Geoffrey Sawley said of

Pooh and friends. But U.S. conservationists noted that the author, who died in 1956, gave the five stuffed animals to the American publisher, E. P. Dutton, for a U.S. tour in 1917. Although, Dutton donated them to this library, "Winnie-the-Pooh is a conservationist and they belong to the world," said New York City Mayor Rudolph Giuliani.

## Executing Tucker

By Europe, opinion columns called it a "barbaric act." An appeal from the Pope was rejected. Extraordinaries all over the world failed to gain clemency for Karl-Georg Tackler, a brutal murderer born again Christian who became the first woman executed in Texas since 1963 and only the second in the United States since the death penalty was reinstated in 1976. Before receiving the lethal injection, Tackler, 38, told her family she loved them and added, "I'm going to be back here with Jesus now." She reportedly said a prayer as her face as she died.

In numerous television interviews from prison, a repentant Tucker had spoken of the harassment in her life since she and an accomplice were convicted of killing two people with a car in 1982. She said she was a drug-addicted prostitute, high on drugs when the crime occurred. Her gender and apparent sincerity polarized the debate over the death penalty. But the Texas parole board voted 14-0 against commencing her sentence. Gov. George Bush, Jr., son of the former U.S. president, refused to grant a 30-day reprieve, and the Supreme Court rejected Tackler's final appeal less than an hour before she was put to death. Texas has been responsible for 145 of the country's 433 executions since 1976.

## WORLD IRAQ

# Ready to rumble

Somewhere, perhaps in some of Iraq's President Saddam Hussein's palaces or in dusty desert bunkers, there are stockpiles of poison so deadly that just a tiny drop on the skin kills instantly. Since the end of the Gulf War in 1990, UN weapons inspectors have gathered enough evidence to suggest that Iraq has produced four tons of the devastating VX nerve gas and has the capability of making nearly 800 tons—enough, according to a UN report, to "wipe out the world's entire population."

Saddam, fearing that the United Nations' detectives have come close to finding his secret chemical weapons cache, has denied them any further access to dozens of buildings across the country. Unless a diplomatic solution can be found by which Saddam allows the United Nations into the facilities, the United States has vowed to launch the raid into Iraq. "Let me be clear," said Clinton last week. "If Saddam does not comply, we must be prepared to act—and we will." Pentagon sources told *Marine*'s that Clinton has approved plans for a fierce four-day air attack that, if it comes, is likely to be unleashed sometime next week. The short odds are on the six nights starting on Feb. 20, when there will be no moon over Baghdad to illuminate the stealth fighter bombers that would lead the aerial assault. But for now, the Western military alliance that usually provided Iraq with subsistence in 1981 is deeply divided over whether to bomb the country again. Even as Clinton was speaking in Washington, backed by British Prime Minister Tony Blair, the only

Western leader to strongly support him, reports from Moscow and Turkey were in Iraq trying to negotiate a last-minute solution to the standoff. France, meanwhile, joined many countries in opposing these use of force, arguing that Saddam would survive and could then simply refuse to allow any UN inspections whatsoever. Russian President Boris Yeltsin made it dramatically clear that he feared a military strike could quickly spiral out of control and lead to a much wider conflict. "We oppose the military option," he said. "I would much prefer war."

Even in Washington, there are divisions over the effectiveness of the planned military strike. House Speaker Newt Gingrich said that unless Saddam is removed in the attack, the whole exercise is pointless. That sentiment is growing, especially in the Republican-controlled Congress. "There's no point in putting Saddam back in his cage and then having him back out in six months," cautioned Senate Majority Leader Trent Lott. The only way to ensure Saddam's removal, military experts say, is to send ground troops into action. But Clinton has privately ruled that option out. At least in part, his critics contend, because he fears a major political backlash in a congressional election year if large numbers of body bags are shipped home to the United States.

But Clinton is clearly prepared to deliver devastating blows to Iraq. Since November, the Americans have assembled a formidable force in the Gulf, including three aircraft

## Clinton gets set to wallop Baghdad

carriers with as many as 102 F-14 Hornets and F-14 Tomcats aboard. These fighters are fitted with intergraded bombs more accurate than those of the Gulf War, and many of the ships are equipped with powerful Tomahawk cruise missiles. The U.S. Air Force has also deployed eight B-52 aircraft and heavy F-15Es carrying massive "killer bomber" bombs, used to deliver what one general called blows "like Zeus" to Iraq. More American warplanes are based in Saudi Arabia, but the Saudis have not yet given Washington permission to use them. Defense Secretary William Cohen was set to visit Riyadh this week to try to persuade the Saudis to lend to grant access, but he expected only limited success. "The Saudis are Saudi," said a senior U.S. defense official, "but there is a lot of sympathy for the Iraqi people."

TOM FENNELAND and WILLIAM LUTHERAN at Washington

BY JOHN SCHOFIELD

I was no way to treat the world's richest man. But Bill Gates, the embattled chairman of Microsoft Corp., has developed a track history for finding trouble in the most surprising places. Last week, it was Brussels. As Gates made his way to a meeting with Belgian dignitaries, he was hit squarely in the face with a cream pie. With sweat cascading down his dark suit, Gates retreated to a washroom and resappeared a few minutes later looking embarrassed but otherwise unscathed. Taken aback by the prank was the wack of Noel Godin, Europe's senior press officer for the sites. "We're dealing with a polisher here, and he has achieved another job," said Bob Elberfeld, Microsoft's chief operating officer. "Bill just cleaned up a little bit and says he went."

Gates will have a harder time shaking off the growing army of opponents now encircling his software empire. For years, Microsoft's rivals have charged that it uses its dominant Windows operating system—the software used to run as much as 90 per cent of the world's personal computers—to muscle into new markets. But in the past few months, Gates's fight for supremacy in the market for Internet software has provoked an unprecedented backlash from U.S. antitrust regulators, plunging Microsoft into its worst crisis since the company's founding in 1975. Spearheaded by the U.S. justice department, the battle has fueled a debate among economists and policy-makers about how to ensure fair competition and continued innovation in the high-tech industry sector. "There's more at stake than Microsoft's fate," says W. Brian Arthur, an economist with the Santa Fe Institute, a respected think-tank in New Mexico.

"What is at stake in this case will rewrite the rules of competition in high technology, probably for the next generation."

Microsoft's troubles deepened last week when 11 U.S. states released a joint antitrust investigation aimed at Windows 95, the soon-to-be-released successor to the Windows 95 operating system. "We're looking at everything that may involve improper use by Microsoft of its dominant market position in Windows in relation to the [Internet software] product," said Connecticut attorney general Richard Blumenthal. Despite the setback, Microsoft insisted that its widening antitrust battle will not delay the release of Windows 95, now slated for the second quarter of this year. Meanwhile, the company's list of adversaries keeps growing. The Senate Judiciary Committee jumped on board last week with an announcement that it has, in studying competition in the software industry, with a special emphasis on Microsoft. And the software industry's largest trade group, the Washington-based Software Publishers



# The war against Microsoft



## The software giants under siege by regulators

Gates after being struck by a pie (above) at an economic forum in Switzerland last week (right)

Association, issued a list of principles that criticized the competitive practices of Microsoft, the group's biggest member.

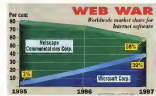
Washington fired the first round in the antitrust fight last October, when the justice department (led by the aggressive Richard Rothman, Wash.-based company lawyer) accused Microsoft of breaking a 1995 agreement in which it promised not to force computer makers to buy any of its other products as a condition of licensing the Windows operating system. According to the justice department, Microsoft has done just that by linking sales of its Internet Explorer software to Windows 95. Microsoft is fighting the charges, pointing out that the so-called consent decree expressly allowed the company to combine the features of various products. The company maintains that Explorer, which allows users to browse the World Wide Web, is now an integral part of Windows, rather than a separate piece of software.

The battle turned ugly in December, when a Judge Thomas Penfield Jackson at the U.S. district court ordered Microsoft to give PC manufacturers the option of installing Windows 95 without Explorer. Lawyers decried the injunction as "unworkable" and insisted that any attempt to remove the software from Windows would render the op-

erating system useless. In response, the justice department labelled the company "arrogant" and filed a contempt of court motion.

Microsoft finally gave ground last month by agreeing to other manufacturers a version of Windows that does not give users access to the Explorer programs. But the company is still trying to overturn Jackson's order. A court hearing on the case is scheduled for April 21.

Meanwhile, the dispute has boosted Microsoft's public image in the United States. "We are an aggressive company, and I remain unapolo-



getic for that," Steve Ballmer, the firm's brash executive vice-president, said last month. "On the other hand, I don't like it that people think of us as a harsh company." In Canada, the image problem is less severe, according to Manulife, a U.S.-based Montreal-based company. Many officials say they consumed a survey of 400 Canadian consumers last December and found that 79 per cent still have a positive view of the company. Only 10 per cent were aware of the U.S. legal battle.

Belated antitrust arguments in the case have a key issue: should the U.S. government intervene to prevent Microsoft from trying to stave control of computing's new frontier? Critics say the company is well on its way to achieving that goal. In its arsenal is Internet applications, Netscape Communications Corp., which produces a Web-browsing program called Netscape Navigator, has stumbled badly in recent months. In the past two years, Navigator has steadily lost market share to Explorer, and Netscape recently reported a loss of \$118 million in the fourth quarter of 1997. The troubled company is now reportedly considering selling all or part of its business.

Some analysts say the odds are stacked against Netscape and any other rival that dares to challenge Microsoft. In the technology sector, consumers inevitably demand a uniform standard that allows them to communicate easily with one another, says Geoffrey Moore, a San Mateo, Calif.-based consultant and author of two widely quoted books on computer marketing. "They say, 'Look, I don't care if it's Windows or IBM or 286 or 386 or 486, but I don't want it to be all different,'" says Moore. "So those markets go very far towards a monopolistic structure."

That is what makes high technology so different from traditional industries such as oil or railways, says Arthur, a pioneer in the study of high-tech economies whose work has influenced the views of Joel Scharf, Washington's top antitrust official. Unlike the great U.S. natural monopolies of the past, which saw the benefits of such companies as John D. Rockefeller's Standard Oil and telephone giant AT&T, the solutions are not as easy today for regulators because high-tech markets tend to operate on the basis of winner-take-all. Moreover, companies that conquer one market often have a huge advantage in winning the next one, as Microsoft showed by leveraging its success in operating system sales to gain a lead in the lucrative market for office software. "If Microsoft starts to dominate or looks like it's going to dominate a market," Arthur says, "there nobody enters that market."

Gates and his allies, however, say that governments should think twice before trying to regulate high technology. Despite Microsoft's power, the industry is extremely competitive and consumers are winning through steadily falling prices, says Brad Smith, the company's associate general counsel and one of the lawyers involved in negotiating the 1995 consent decree. Ultimately, manufacturers must be free to decide how to develop and package their products, he says. "Do people really want the government to step in and shape the direction of technological development?" Smith asks. "When people start thinking about that, what they're really supplanting is a series of steps that could slow economic growth."

The justice department's Klein publicly advocates "surgical precision intervention" to keep the way clear for new Microsofts and Novells. If the courts agree, the world of high technology could be changed forever. "If the market has been a market, it's like a horse race," says Arthur. "Forwards are made, horses are lost. It's like Tompkins or Dodge City in 1881." Gates may not like it, but it's now noon in the world of high tech, and the sheriff is riding into town. □

# Swinging the axe

MacBlo's new boss believes in harsh therapy and deep cuts

BY JENNIFER HUNTER

When Tom Stephens showed up for work on his first day as president and chief executive of MacMillan Bloedel Ltd. last October, he took along a psychologist. The new boss of Canada's biggest forest products company was concerned not for his own mental health, but for the company's. Stephens knew that MacBlo was feeling the strain of poor Asian lumber and pulp markets, high provincial taxes and fees and restrictive U.S. import agreements. He also believed that MacMillan Bloedel—which has lost money in each of the past four fiscal quarters—would have to undergo profound change in order to regain its financial strength. So Stephens and the psychologist, Bob Chapman, who specializes in helping companies cope with restructuring, spent the next three months flying in employees from across the sprawling MacBlo empire for focus groups and meetings. "Bob and I spent hours and hours and hours hunkering one-on-one with our people, trying to understand where the company had to be," says Stephens.

Halfway through that process, Stephens told workers that at MacBlo, "we want all our Canadian and the United States, was worth more. 'Dead than alive,' that shareholders could enter a better return by receiving a treasury bill, that he wanted employees to feel a sense of urgency 'because out of a crisis people tend to get off their butts and do something.' Then, last month, the 55-year-old CEO announced some harsh therapy he announced plans to cut 2,706 jobs from a workforce of 13,900, and said that MacBlo would be getting out of the paper business completely. "Changing a company's corporate culture is one of the most difficult things you can do," Stephens told MacBlo's last week, has voice reflected with a soft American twang. "Corporate culture is part of employee genetic coding—it's a pattern of group behavior. To understand it can be disastrous." Stephens' brand of "tough love" has already prompted one Vancouver newspaper to dub him "The Assassin," a label he doesn't relish but goodnaturedly



Lumber hauler for Asia: a sense of urgency

shrugs off, saying he will be remembered for "remedies I created, not the medicine I gave."

Until he arrived on the scene, investment analysts gaped that the company was involved in too many different types of businesses, they could not figure it out. "This is a company with tremendous resources and some of the best timberland in British Columbia, but they weren't focused enough," says Vancouver forest industry consultant Charles Wilmshut. In the pre-Stephens years, MacBlo ran companies in softwood lumber, composite wood products, building materials, distribution, paper and packaging, packaging and research and development. But Stephens claims "the day when a company can be all things to all markets is over." So the paper division will soon be spun off as a separate company. The research and development division in the Vancouver suburb of Burnaby will be



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## BUSINESS

# Kmart's surrender

Good news for the country's oldest retailer had news for Canadian shoppers. That is how retail consultant John Winter summed up last Friday's announcement that the 208-year-old Hudson's Bay Co. will absorb Kmart Canada Co.'s 122 discount department stores in one of the business's jump the inevitable regulatory hurdles. "In a further move, one of the horses just died," said Winter. "What we'll see is a result to less competition and a more concentrated retail sales industry."

The merger of Kmart Canada with the Bay's existing discounter, Zellers Inc., will create a nationwide chain of 433 stores with just under \$5 billion in annual sales—surpassing Hudson's Bay president and CEO Bill Fields' insistence to acquire to ensure the company's future. "It increases the average size of the stores, it helps by combining the management of the two organizations, and it strengthens the organization," Fields said. "It will allow us to be more competitive in the marketplace and will help ensure the future of Hudson's Bay."

Zellers had been losing its neck-and-neck battle with U.S.-based Wal-Mart Stores Inc., which in 1997 pulled ahead of Zellers when its 126-Canadian outlets cleared 40 per cent of the discount market. Says Winter: "Now, they'll be out in front again."

But not without considerable cost. At least 40 of the Kmart stores will be closed. Between 4,000 and 6,000 people, 65 per cent of them part-timers, will lose their jobs. Most of the people who will be laid off are sales staff, a Hudson's Bay spokesman said, although jobs will also disappear in Zellers's downtown Toronto head office, as combined with Kmart's headquarters in Brimington, Ont., and other support functions, such as distribution and computer support, are merged. Laid-off employees will be offered severance packages, career counselling and assistance in finding new jobs, company officials said.

Of the 433 stores that will remain open, about 230 will become Zellers outlets. The rest will be turned into traditional Bay department stores or repurposed as part of a new specialty division made up of big box home decorating outlets and upscale home furnishings and trademark Hudson's Bay merchandise. In a sector that has already seen more than its share of downsizing and restructuring, the battle is far from over.

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WHAT MATTERS TO CANADIANS

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The average annual rates of return are calculated for the periods ended December 31, 1997. Returns and growth chart data include changes in unit value and reinvestment of all distributions and do not take into account any potential changes payable by any unitholder that would have reduced returns. Past performance is not necessarily indicative of future performance. The chart used is for illustrative purposes only. Mutual funds are sold by prospectus only. The simplified prospectus contains important information which should be read carefully before investing. As with all Atlanta Mutual Funds there is no front or back load.

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## Business NOTES

### ON TAKEOVER TALKS

Canadian National Railway Co. appeared close to a deal to acquire Illinois Central Corp. for more than \$3.3 billion. A takeover would create North America's fifth-largest rail company, with 30,000 km of track and \$5.8 billion in annual revenues. Montreal-based CN is Canada's largest freight railroad.

### BUFFETT BETS SILVER

The price of silver hit a 15-year high after legendary investor Warren Buffett said his company has acquired \$1.3 billion since the metal, worth \$1.3 billion. Buffett, whose moves are closely tracked by millions of followers, owns an estimated 20 per cent of the world's silver supply, excluding jewelry and other manufactured items.

### FIRST MARATHON CLEARED

The Toronto Stock Exchange cleared First Marathon Securities Ltd. of allegations that it failed to properly supervise a broker. Last June, the law charged former broker Michael Hodel with 15 counts of fraud after investors lost more than \$22 million in trading. Hodel denies most of the allegations against him.

### OILPATCH LAYOFFS

Calgary-based PanCanadian Petroleum Ltd., owned by Canadian Pacific, British Petroleum, plans to lay off 200 people—more than 10 per cent of its workforce—because of low oil prices. The move was the first tangible evidence that oil prices, which have fallen to \$16.56 (U.S.) a barrel from almost \$23 last summer, are beginning to take their toll in what has been a booming sector.

### INVESTING IN CUBA

Undeterred by U.S. sanctions against Cuba, Sherrill International Corp. of Toronto is building a \$250-million power plant on the Communist-ruled island. Sherrill chairman Ian Delaney is a frequent target of criticism from right-leaning politicians in the United States, who accuse him of cozying up to Cuban President Fidel Castro.

### DRUG MEGA-MERGER

British pharmaceutical giant Glaxo Wellcome PLC is pursuing a hostile takeover of SmithKline Beecham PLC. The deal would create the world's biggest drug company, leading to widespread layoffs in Canada and elsewhere.

## Rough times for Rogers

Reckled by staggering losses and fierce competition, Rogers Communications Inc. announced plans to cut as many as 800 of its 3,208 employees. The country's largest wireless phone company said it lost \$212 million in 1997 as competitors cut rates and customers defected to new digital phone services marketed under the Clearnet and Fido brands. The midweek estimates the woes of Canada's troubled parent, Rogers Communications Inc. The company, which owns Madison's, reported a loss of \$338.5 million for 1997, the equivalent of \$2 million every business day and the largest one-year loss in its history. Rogers' long-term debt at the end of last year hit \$5.6 billion, up from \$4.9 billion a year earlier.

Despite the losses, some analysts and institutional investors were optimistic, pointing to the parent company's 8.6-per-cent increase in



Company president Ted Rogers, staggering losses

overall revenue in 1997, to \$2.7 billion. Industry watchers believe Ottawa will ultimately open Canada's wireless phone market to foreign players, making Canada a possible takeover target for a U.S. giant such as AT&T. But not everyone is optimistic about the company's fate. Drew Glass, an analyst with BSCAC James Capel Inc., said that 1998 is shaping up as "a year of reckoning" for Rogers.

## Millennium bug alert

Thousands of small and mid-sized Canadian businesses could collapse in the year 2000 because of the millennium computer bug, an Ottawa think-tank warned. But the software glitch will likely not spark a recession as bigger companies will jockey up the clock, the Conference Board of Canada said. A federal task force on the issue subject recommended that companies that fail to deal with the bug

should be denied bank loans, insurance and government financing. And the country's securities regulators are cracking down on the problem by ordering publicly traded companies to tell shareholders about their plans. Scientists say computers and many other devices that contain microchips—transistors in automobiles—could malfunction at the start of the new millennium because they are programmed to read the year by its last two digits and will mistake the year 2000 for 1900.

## FINANCIAL OUTLOOK

January's job losses in Edmonton, Canada helped push the unemployment rate to 8.9 per cent from 8.6 per cent in December. In most other parts of the country, employment growth was strong. But the number of jobs in British Columbia fell by 19,000, extending a yearlong trend.

Meanwhile, an upbeat speech by Bank of Canada governor Gordon Thiessen helped the Canadian dollar recover to 69.86 cents, 1.76 cents higher than the record low set on Jan. 29. Analysts said the dollar

was regaining favor among investors because of recent increases in commodity prices and forecasts of continued economic growth.

"Although the Asian financial crisis may have some influence on the Canadian housing market,"

January's mortgage job starts only managed to temporarily halt the Canadian job growth machine."

—Nashville Bureau

"By the end of the year, we're looking at a Canadian dollar in the neighborhood of 75 cents, or more."

—Penguin Investment Counsel



ing industry, the effects are likely to be temporary as the economy will eventually shake off the malaise."

—Canada Mortgage and Housing Corp.

"January's mortgage job starts only managed to temporarily halt the Canadian job growth machine."

—Nashville Bureau

"By the end of the year, we're looking at a Canadian dollar in the neighborhood of 75 cents, or more."

—Penguin Investment Counsel

## Altruism and the bottom line

June Conway is struggling with what, to many people, might seem an unusual investment dilemma. Eighteen months ago, she dipped into her savings to buy stock in a Canadian pipeline company. The share price has since shot up more than 50 per cent. Conway's problem: she recently learned that the company is planning a big investment in Indonesia, where human rights record is shoddy. "My conscience is saying I should sell, but I



Clear-cut minefields at El Dorado Gold, a.C. investment

anxiety I feel I should hang on," says Conway, a Montreal psychologist. "I hate participating in all the horrible things that are going on in the world." Still, Conway acknowledges that being selective when it comes to investing "is very, very hard to do." To some, reconciling altruism with the bottom line might seem impossible. Conway, however, is part of a growing contingent of Canadians who believe that pursuing those goals can help to solve some of the planet's most vexing social and environmental problems. By relating to invest in companies that behave responsibly, Eugene Elman, author of *The 2006 Canadian Ethical Money Guide*, "you won't just be donating to charity to change the world—you'll be changing its fundamental structure."

The increasing popularity of ethical investing is underscored by the growth of mutual funds that combine social and environmental objectives. The first widely distributed Canadian fund to meet that definition was Vancouver City Savings Credit Union's Ethical Growth Fund, launched in 1980 with about \$15 million in assets. The category now includes at least 13 funds with \$900.000 in assets and more than 55 billion in assets—roughly two per cent of the total invested in Canadian mutual funds.

The success of funds such as Ethical Growth and the Clean Environment Equity Fund has put paid to the notion that ethics and profits go like water and oil. In his latest mutual fund guide, Toronto-based investment adviser Gordon Pope chose Ethical Growth

as his "fund of the year" based on long-term performance and its professed commitment to social goals. The fund's 17.4-per-cent return in 1997 easily surpassed the 13.6-per-cent average gain for Canadian equity funds. Ironically, the most common complaint about ethical mutual funds has nothing to do with their financial performance. Instead, critics point out that there are no firm rules governing what does or does not qualify as a socially or environmentally sound investment. Some investors might wonder, for instance, why Ethical Growth Fund currently holds shares of Canadian Overland Petroleum Ltd., whose major shareholder, the U.S.-based Occidental Petroleum Corp., has been accused of environmental degradation by aboriginal groups in South America.

Occidental's inclusion likely stems from the so-called issue-of-sector approach that most funds—including Ethical Growth—use when deciding how to invest. Rather than avoiding industries that may have a history of poor social or environmental performance, the idea is to reward companies that, in the opinion of the fund managers, have

behaved more responsibly than their industry peers. Michael Jettis, a consultant who monitors the social and environmental performance of companies for the investment industry, says the "holistic sector approach sends a more constructive message than simply saying 'look, a mining or forestry company, and we are never going to invest in you because you are in a dirty industry'."

The problem, critics say, is that company selection criteria are often subjective and arbitrary. "We still have a way to go until we have criteria that are strong enough to remove," says David Nelson, president of a Toronto-based consultancy called EthicalChoice Canada. Nelson acknowledges that the funds do commission research to make sure companies meet their standards, but he suggests that more rigorous screening would cut in to their profits. He questions whether some funds deserve to call the names ethical. "At a fundamental level, there are no standards for the funds, or for people who manage them."

The absence of tougher rules may worry some ethically motivated investors, but they need not despair. One option, says Deborah Abbey, a financial adviser at Midway Wharfedale in Vancouver, is to avoid mutual funds and buy stock only in companies that meet the investor's own criteria. Roughly half of Abbey's clients are socially minded investors, and she often uses research provided by experts such as Jettis to create customized stock portfolios.

That alone is not about to change corporate behavior overnight. "I don't think any social investor in Canada is under the illusion that it is a huge, powerful force at this point in time," said Jettis of the movement to promote ethical investing. Or, Conway, who has yet to decide what to do about her Indonesian dilemma, ruckily puts it: "The fact that I don't buy shares in a forestry company doesn't stop them from cutting down the B.C. rain forest." But for those with moral qualms, at least it offers the prospect of a better night's sleep.

BY RUTH ARKINSON

## What's wrong with being in the red?

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## RESPONSIBLE RETURNS

Top five ethical mutual funds in Canada, by asset size

	Assets (millions)	One year return to Dec. 31, 1997	Average annual compound return over three years
Ethical Growth Fund	\$429	17.4%	26.0%
Ethical Balanced Fund	\$488	20.8	19.8
Investors Social Fund	\$290	23	21.9
Ethical Income Fund	\$139	9.2	13.6
Clean Environment Equity Fund	\$132	34.3	26



# Peter C. Newman

## Revealed: a desperate survival plan for Inco

**I**nco is one of Canada's defining institutions. Founded in 1963, the company has written much of the history of Canadian mining, with its large base-metal deposits in Sudbury, Ont., Thompson, Man., and, of course, the mega ore body at Vasey's Bay in Labrador.

The world's largest nickel producer, Inco has some 16,000 employees and operates in 25 countries, including Indonesia, Japan, Timor and South Korea. Historically, the company has been big and successful, operating almost at a world of its own, and paying much attention to its critics. Because it counted itself too big to fail. But in the past decade, unimpaired management and lower nickel prices have driven Inco to the wall. Share prices have plummeted to \$24.79 at the end of last week from a 1997 high of \$51.35. Faced by the possibility of a takeover or a massive sell-off by frustrated shareholders, CEO Michael Sopko has opted for drastic action.

Due to be announced this week is a series of monumental cost-cutting measures that will dramatically transform the company. They include:

- Closing Inco's posh New York City office, which employs about 300 people.

- Major studies in overhauling both at the Toronto head office as well as the operational units in Sudbury and other operating units. A recent survey revealed that at its Sudbury underground operations, Inco has one manager for every three miners, way above the industry standard.

- Most significant, Inco will begin talks with the United Copper Co. of the U.S. to rationalize its Canadian operations, particularly in Sudbury, where the two companies each have processing plants, although one unit could handle the output of both.

This is a startling development, because it could lead to further operational mergers and eventually to a takeover by Falconbridge—the world's second-largest nickel producer. Falconbridge in 1998 was taken over by Noranda Inc., which in turn is controlled by Jack Crawford and his group of financial wizards at Edgewater Corp. They have for some time had their beady eyes on Inco, desiring about all the economics of scale that a merger of the two mining giants would produce. Falconbridge is not doing too well either, with its 1997 profit of \$187 million, half of the previous year's earnings. (Inco's 1997 profit was \$188 million, down from \$280 million the year before.) Unlike Inco, Falconbridge, which is primarily two large developments in western—its northern Chile and northern Quebec—has already completed most of its capital spending involved, and does not have to try and finance a mammoth project like Vasey's Bay at a time when nickel prices are at a four-year low. The metal is now selling for about \$2.37 (U.S.) a pound, down from \$3.50 a year ago.

The most touchy issue in any merger would be the location of the smelter to handle the 373 million pounds of nickel a year that will be mined at Vasey's Bay. Sopko has pledged to build a new \$1-billion smelter and refinery at the former U.S. military base at Arizona, about 100 km west of St. John's, Nfld. Last week, however, Sopko said he wanted to discuss the "scope and timing" of the proposed refinery in light of low nickel prices. But Newfoundland's mines minister, Charles Parry, said the refinery was not negotiable, except for details about power rates and taxes. He wasn't kidding. "It isn't just acceptable, they can pack their bags and leave," he announced, warning "leave" without a shovel at the rich Vasey's Bay ore.

Newfoundland Premier Brian Tolan adds that construction of the expensive processing facilities is not only a condition of siting at Vasey's Bay, but that every pound of ore must be refined in his province. When a merged Falconbridge-Inco finally renegotiates the deal, it might insist on relocating the Labrador mine's output to Nikkolberg in Norway, where Falconbridge operates one of the world's largest refinery structures.

Despite its treasure house, Vasey's Bay has become a double-edged sword. At full capacity, the open-pit operation would generate a long and prosperous run. But even if the impasse over building the Arizona smelter is resolved, deep and complex negotiations are continuing with the local population. At the moment, these talks have become a bit of a three-way circus. Tolan is negotiating with Labrador's natives and Inco is negotiating with Tolan, while the natives are negotiating land-claims issues with Ottawa.

The root of the problem is that when it paid \$4.3 billion for the Vasey's Bay deposit in 1996, Inco based its plans on the price of nickel at the time—\$4 a pound. Start-up for mining the Labrador deposit has already been delayed from 1999 to 2001, mostly by environmental reasons—yet another problem in an area covered by impenetrable ice for part of the year. Most observers agree that even with its new cost-cutting, Inco will have to write down the value on its books of the Vasey's Bay deposit. A decrease of as much as \$1.5 billion is being suggested.

Critics of Inco management, which include just about every analyst on Bay Street, are puzzled why the company has achieved so little—basically nothing—during the two years it has owned Vasey's Bay. At stake is the fate of one of Canada's rare megaprojects. If Inco goes ahead as planned, it will open up close to \$1.5 billion to bring the project to market, creating thousands of construction and permanent jobs in part of the country that desperately needs them. But if the various parties, whether it includes Inco or its successors, can't agree on development terms, they will be killing the goose that lays the nickel egg.



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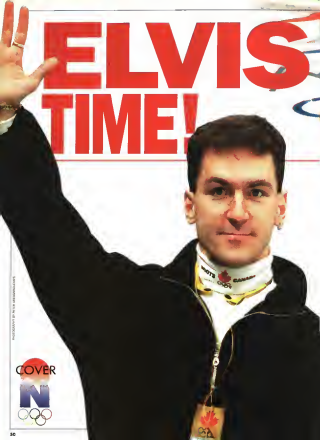


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In *The Zone*, he told his coach: "See those rings? That is what I've been working for!"

## Stojko faces crushing pressure in his quest for Nagano gold

BY JAMES DEACON

**A**t first, Elvis Stojko doesn't remember. He has just changed into his natty red-and-white sweats after a morning workout at Nagano's stunning White Ring arena, and the question—about something that happened a decade before—catches him off guard. Slowly, though, the light goes on, and details flood back into his memory. In early 1989, when he was a promising skater of only 15, he attended two of Brian Bortolano's practice sessions with choreographer Souda Bezic in Toronto. The American was training for his Olympic confrontation with Canada's Brian Orser in Calgary and was understandably remote, focused on converting Bezic's suggestions into winning form. Sitting quietly at rink-side, Stojko was just as intent, soaking up the atmosphere around someone reaching for skat-

ing's ultimate prize. Last week, overlooking the ice surface on which he could make his own Olympic history, Stojko smiled. "Now that I think about it," he says, "I am doing exactly the same stuff Brian was doing back then—the way he worked on his jumps, his spins, that sort of thing. Funny, eh?"

The comparisons do not end there. Like Bortolano then, the Richmond Hill, Ont., native is facing the fight of his life this week, a battle to decide who gets the men's Olympic gold medal and the riches that go with it. At least four skaters have clear shots at the top spot on the podium—in addition to Stojko, the favorites include American Todd Eldredge and two Russians, Ilia Kulik and Alexei Yagudin. And there are bound to be surprises: few knew Alexei Uremov's name before the Russian was in 1994. But as the reigning world champion going into Nagano, Stojko gets the lion's share of attention. "Elvis has the most pressure, no question," says Bezic, in Nagano as part



## No Canadian has won the men's Olympic title



Having fun:  
confering with  
mother from  
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and good genes

of the CBC broadcast team. "Kaliuk can win—he's good enough—and if he doesn't, he can wait four more years for another shot. It's not his time. It's Eli's time, and he knows it."

Of course, all of Canada's 334 athletes were fervent fans of that pressure as they tried to give the performance of their lives with the whole world watching (page 50). But figure skaters, especially in the glamorous solo events, were the most excited of all. And Eli earned the heavy load of expectations that, so far, did not seem to be weighing him down. At 25, he is skating in his third Winter Games—he finished seventh in 1992 in France, and won silver two years later in Norway. He remembers the intensity of those competitions, saw how the favorites struggled, watched closely as cooler heads prevailed. Now his best weapon is not his quad-triple combination jump—it's his head, his strength of mind.

The Zoro skate will not be enough—winning still comes down to what happens on the ice. But both day to day and on the ice, he is remarkably selfpossessed, and he keeps a simple approach to the sport: he practices endlessly because repetition builds confidence, he never tries to be the classical, Russian-style skater he is not, and he pushes his limits, adding new jumps and combinations because the effort keeps him interested. "Who wants to go through life in neutral?" he says.

He will need no extra push in Nagano. There may not be a catchy name for this world's skating showdown, but the high fives assembled at the White Ring promise extra warm blankets. Like the Bialle of the Bronx, American star Scott Hamilton, who edged Oser for gold in Sarajevo in 1994, is taking a break from professional skating to provide analysis for the CBC in Nagano. From the

broadcast booth, he scans the ice below as the elegant Kati Chelenko has her short program. "This is the deepest, most athletic field in history," Hamilton says. "You can't predict what will happen because so many of these guys could win."

The rewards for victory are huge. Individual figure-skating titles are among the most prestigious at any Winter Olympics, and marketing experts estimate that because skating has become such a hot TV commodity in North America, a gold medal would be worth at least \$10 million in endorsements and appearance fees to the winner of the men's final on Saturday. Skiko and teammate Jeffrey Langdon of Seattle's Talla One, have an additional incentive—no Canadian has ever captured the men's Olympic skating title. Skiko had that in mind when he first arrived at the White Ring last week. He looked out at the Olympic pools at centre ice and told his coach, Doug Leibel, "See these rinks? That is what I've been working for."

In the quiet week before the competitions began, Kivi could be found in the lower concourses or at rinkside, wearing a Williams and Wilmer hat and Del Legnano. He often uses his martial arts routines to warm up, which alerted some members of the White Ring's volunteer security staff that it was explained to them why the early-bird locker was. After his workouts, safely away from autograph hounds, he could sit in the broadcast booth, chatting with other skaters or hanging away on his laptop—he is keeping a journal of his Olympic experience. "The never-writer's journal before," he says. "For some reason, I thought it was expensive this time. I don't record what happened each day, my thoughts, what happened at practice."

But as the competition neared, so did the demands. The Canadian skating team held a news conference last week on a day when hundreds of reporters and photographers were running loose in the city with no events to cover. Skiko was beamed—the screens of reporters ran night-dress—but he stayed cool. "I really wasn't as hot as it looked," he maintained the next day of the race. That was the last formal interview before the competition begins. Eli's sport advertisement often here playing video games at the arcade in the athlete village, hanging out with other athletes or with friend Kelli Seidel, a production assistant with the U.S. cable network TBS—he insists they are not doing.

His personal team in Nagano includes Leigh, choreographer Uchi Kender and his mother, Irene Skiko. "They have always been pretty intense," Skiko says, "and it's important. They are like people who either love it or they don't. They could hardly be more different. Leigh is a no-nonsense guy who runs clipped, military-style phrases in his instructions to Skiko. "Never lose sight of the target," he often says, "because if you do, you'll never hit the bulls-eye." Kender, conversely, is more expansive. "This is balanced," she says when asked about Skiko's changes, "between creative thinking and analytical thinking. He has no conflict between the two—in fact, true creativity demands both. At great artists must also be great technicians."

The mother, a widow, Hamilton is staying with a local family that collects Japanese videotapes. "It is the most beautiful place," she says. "I am so excited to learn about their culture." As a girl, she was a pro-



With friend Skiko hanging out, playing video games, staying cool

(left) on Feb. 24—he basically a primary school. "Once you get the quad and the eight triples in, and you do the four required spins and the footwork, there's not much time to do anything else but breathe," she says. "So whoever skates does will win."

That certainly favors Skiko. In the same way that sprinter Donovan Bailey is a byproduct performer, Skiko is recovered, even among his rivals, for his consistency. No one in the sport has skated more clean programs, and one can match the technical difficulty of his jumps. Then there is his strength. He is the only skater at the 1998 Winter Games in Nagano, England, barely recovered from an ankle injury yet knowing he needed something extra to have any chance of winning. Skiko captured his second world title by adding a triple-triple combination jump. What made the skater most astounding was that he did it at the end of his five-minute program. "No one has hit the combination that he does," says Leigh.

They are getting close. The Russians have added quadruple toe loops to their programs and a few are attempting Skiko's trademark quad-triple combination. And Kati, a 20-year-old skater from Moscow, has all the jumps as well as the classically trained grace that so many judges prefer. The knock on him is that he is inconsistent—unlike Skiko, he loses tension. "You watch Kati practice and you think, 'There's no way the kid can win,'" says former Canadian pair champion Paul Martin, another member of CBC's Nagano crew. "But when he skates, he's a different skater."

Can Skiko—at anyone else for that matter—handle the heat? Leigh has too much Olympic experience to venture a prediction of what might happen. He was Oser's coach and once so close in 1994 and 1998, only to finish second both times. "It all came down to a splinter of a difference," he says, "and we had to live with that." But Skiko, he says, is thoroughly prepared, and the skater's experience should count for something. "The things that get him this far will help him out there," he says, nodding towards the ice. Eli has still never skated in the face of the Japanese. "The pressure is not his, but that's the challenge," says the man in the spotlight. "You either meet that challenge, or you don't." □

What will it take to win?

Boitano says Skiko's short program, set to Japanese folk music, "is his best yet—it covers all the bases and it should leave him in good shape going into the free skate." In international competitions, Eli has received lower marks for his long program than some of his European rivals have for theirs. But the way Boitano sees it, Skiko's free skate—at a minimum—is a triumph. "Once you get the quad and the eight triples in, and you do the four required spins and the footwork, there's not much time to do anything else but breathe," she says. "So whoever skates does will win."

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Boasson leading the Canadian team into opening ceremonies, dancers circling an inflatable planet Earth. "Shiving together."



BY BRUCE WALLACE

**L**ong before a seemingly paralytic Nelson to rise in colorful relief against the grey winter sky to light the Olympic flame, before a skyscraper-sized soccer wrestler panted, Alberto Tomba mounted the stage and dipped his toes around a ring in the misty Japanese purification of the athletic ground—seven ahead of the Nagano schoolchildren twirling their way exuberantly through a pop songway ode to peace—the opening ceremonies of the Nagano Games offered some subtle inspiration to the athletes of the XVII Winter Olympics.

Against a backdrop of floating folk charts and singing, 1,800 colorfully dressed Naganoites opened the festival by skipping across the field to raise eight sticky wooden pillars in each corner of the Olympic stadium. Unlike the massive 100m-high *Oshichiwa* in an ancient consecration of the earth, and the complex choreography needed to slide the poles up guide-wire ropes and into an exact position some pretty aggressive teamwork. So as they pulled the logs aloft, the Olympic Stadium video screens flashed messages applauding the display of co-operation. "Pushing your strength," it said appreciatively. "Skating together."

Many Canadian Olympic athletes get their motivation from movies, those pally will-be-pisces that slip in and out of space the overworked phrase from the athletes' union the Olympic seems to be "reach for your dream." The Japanese rising of the *Oshichiwa* suggests another valuable movie: the Canadians might want to keep in mind *Teamwork*. Pulling together has always been a defining char-

acteristic of Canadian Olympic teams. They mix and intermingle across sports disciplines, hang out together, urge each other on in the pursuit of their dreams. At previous Games, figure skaters always showed up to bolster for the speed skaters, and freestyle skiers would cheer for one another—even though each was often the greatest threat to the other's medal chances.

That reputation for team spirit may be tested in Nagano, where the Winter Games feature the biggest—254 athletes—and best Canadian team ever. One reason is simply unprecedented pressure. For the first time, the Canadians arrived at a Winter Olympics not merely hoping to roll up a hefty medal tall, but counted upon to make sure a bunch of those medals are gold. Even the big game are aware that Canada is suddenly facing power. "We've met the enemy, a new Red Menace, and we don't know how to lose," barked the *Los Angeles Times*' sports page in a tongue-in-cheek description of the Canadian-American showdown in hockey, freestyle skiing, men's figure skating and many more sports. USA Today predicted that Canada would finish fourth among all nations with 14 medals—more than the United States. With the Russian sports program coming as unchanged as the Mir space station, Americans casting around for a new technical codex simply look to their east then neighbor.

But expectations of Canadian success are highest back home, where there is thrust-on-stretching pressure to ensure that this gold rush does not take a life-style like to dust. Gone are the days when Canadians just settled down in front of their TVs, fingers crossed, hoping that a sliver might run the race of a lifetime to steal a medal from the favored Europeans, or marveling when a previously anonymous athlete stepped to the medal podium in a stat of

# GREAT EXPECTATIONS

The Canadians—and their team spirit—will be sorely tested



Lo's words notwithstanding, the 1998 Cannes award may just go with success as the Olympics unfold. "Oh, we'll have medals day in, day out while we're here," says the rugged bobble-head, who ferociously competitive teammate Pierre Lueders is the favorite in both the two-day and four-day bobsleigh events. Nagano's spirit may do the rest. If the city bobs the snow-filled drama of *Life Is marvellous*, its people share a similar smiling welcome. The puns apply to the post card on the left, the *Life Is marvellous* poster on the right. "I hope Nagano's manager of the bobsleigh and luge runs like a Trojan. In Nagano wouldn't even look at Ferrari's new sports look at it. There was much to look at—and admire—in New York, stylish and noble way Nagano set the opening time for the Games. Much to inspire an athlete: 'All falling together,' as the stadium screens advised. A little treasure. □

# People

Edited by  
TAMARA DAVIES

## Cosmo instincts

When Canadian **Jane Faller** took over as editor-in-chief of *Cosmopolitan* a year ago, she had some big shoes to fill—**Helen Gurley Brown's** at *Elle*. Brown, now 75, had steered the New York City-based monthly since 1965 as long as one of the best-selling women's magazines in the world, famous for curvy cover girls and its bold take on sex tips. And her instructions: The Faller received from *The Hearst Corp.*, which publishes 35 magazines, were brief but ominous: "Don't mess it up," Faller, 41, a biochemist. "Cosmo has one of *Hearst's* crown jewels—it just needed a little polishing."

It seems that Faller has more than met that goal. Ad pages are up 12 percent to 1,833 in 1997, while newsstand sales have increased 16 per cent, to 3.9 million copies each month. Faller, who seems to rely on focus groups and gut instinct in equal measure, attributes her success to giving *Cosmo* readers exactly what they want. That includes putting celebrities on the cover. The current issue features actress **Ashley Judd** as *Cosmo's* "Fan, fearless female of the year." Says Faller, "These are women who really epitomize the *Cosmo* woman. They feel comfortable in their own skin, they are working hard to achieve their goals in life, and are loving what they are doing."

By these criteria, the Toronto-born Faller is the quintessential *Cosmo* woman. As editor, she turned both *Tamara's Place* and *New York's Marie Claire* into must-read magazines, while still managing to start a family with husband **Michael Faller**, an architect who works out of their home in Westchester, N.Y. Their third child, **Leilah**, was born the same month that Faller took over at *Cosmopolitan*. Now that is fearless.



Faller: three children and the world's top women's magazine

## Three nerdy amigos

Fans of the Vancouver-produced series *The X-Files* have come to expect unpredictable story lines and off-the-wall characters. Three such odd balls, the **Loose Ends** men—companion series who come to the aid of agents **Wilder** and **Scully**—were created for only one episode during the first season, yet proved so popular that they now appear several times a season. "It was amazing to us—we got letters, e-mails, telephone calls," says the show's assistant director, Vancouver native **Dan Brinkbeem**, 46, who plays **William Binkley** along with **Bruce Blawie** as **Byron** and **Dean Hughes** as **Langley**. "I still don't quite believe it sometimes." The tale behind how Brinkbeem got his role is just as quirky. "The producers were having a hard time casting these parts," he explains. "Finally the director of that episode, **William Graham**, said, 'I know, we need to find someone who looks as dorky as Brinkbeem.' The next is history," he says, adding, "When they create a doll that looks just like me, then I will know I have really made it."



Brinkbeem (left), Graham, Hughes: spinoff dolls?

## "Too damn busy"

**John Goodman's** exhaustion is all too evident. "Yeah, I've been busy," the Los Angeles-based actor grunts. "Too damn busy" Since 1994, when he starred his seventh and final season on the hit TV sitcom *Roseanne*, Goodman, 45, has worked nonstop on four feature films (his new faller, with **Daniel Washington**, *Steel Brothers* 2000), with **Dan Aykroyd**, **Jed** and **Edna** *Coco's The Big Lebowski*, and the only children's movie to date, *The Borrowers*, are all being released within weeks of each other. Still, he manages to rely where talking about *The Borrowers*, opening on Feb. 13. Based on British author **Mary Norton's** popular novels, it stars Goodman as a scheming lawyer who illegally evicts a family from their home—along with the four-sack people who live under their floorboards. "I can't wait for *Molly* to see it," he says of the seven-year-old daughter he has with wife **Annabeth**. "She can see just how much Daddy can be."

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## IMPLANT SETTLEMENT

As many as 3,000 women in Quebec and Ontario who had silicone breast implants may eventually share in a \$22-million fund following settlement of a class-action lawsuit with Baxter Healthcare of Deerfield, Ill. The settlement applies to women who received implants made by the California-based Hayes-Schulte Corp. between 1971 and 1984. The action was launched in 1993 against Baxter, which took over some of Hayes-Schulte's assets and liabilities in a series of mergers during the mid-1980s. If the settlement is approved by Ontario and Quebec courts, women registered in the action will receive amounts of money determined by the severity of their health problems, with some funds reserved for those who become ill later. Silicone implants, banned in 1992, have been blamed for



health problems including autoimmune diseases such as lupus and chronic fatigue syndrome. In an earlier settlement, New York City-based Restat-Hyers Squibb agreed in June, 1995, to a \$20-million settlement with 4,500 Quebec and Ontario women who had its implants. Another implant lawsuit involving about 1,000 women is under way in British Columbia against a number of firms.

## An inside view

A video filmed by two Canadians at a medical conference four years ago in Berlin is being heralded as a major neurosurgery tool. Dubbed the Neuro II, it is a magnetic resonance imaging system that gives surgeons multiple, three-dimensional images of a patient's brain during surgery. A prototype, based on the ideas of Dr. Gennette Sutherland, chief of neurosurgery at Calgary's Foothills Medical Centre, and John Saunders, a Winnipeg-based neurosurgeon, now is in use at Foothills. Other MRI machines, located outside the operating room, can only produce images before and after an operation. But Neuro II can be mounted on a table, above its operating room table to produce images of the patient's brain while the surgeons are working in a brain tumor operation, said Sutherland. "We can tell if we met our surgical goal" if the images show there is some tumor left, the surgeons can remove it while the operation is still under way. The new machine was built by INRS, a Winnipeg-based firm that hopes to market it around the world.

## AIDS deaths in decline

AIDS deaths in New York City, one of the parts of the United States hardest hit by the disease, declined by an estimated 18 per cent last year from 1996 in a breakthrough that medical authorities attributed to the growing use of combination drug therapy. New York medical officials told a Chicago conference that preliminary figures for 1997 showed about 2,600 residents died of AIDS, compared with 4,998 deaths in the previous year. U.S. health officials said na-

tional statistics are expected to reflect a greater decline in drug use in 1998, the year when they are published. Later this year, combination AIDS therapies usually involve the drugs known as protease inhibitors, first marketed in 1996, and antiretrovirals such as 3TC and AZT. According to the second statistics from Ottawa, there were 23 per cent fewer AIDS deaths in Canada in 1996 than in 1995, a decline Health Canada officials say may have resulted from combination drug therapies.

## Off the weed

A herbal remedy approved by Ottawa as a drug is selling briskly across Canada as an aide to smokers who want to kick their habits. The product—Bax Out—contains a powdered form of *Lobelia inflata*, a flowering plant that grows in Eastern Canada and the United States. According to Larry Kunkel, a former Squawish, B.C., painting contractor who lit on the idea of marketing the herb as an anti-smoking aide, the active ingredient in *Lobelia inflata* can ease withdrawal symptoms for smokers who stop. An ex-smoker himself, Kunkel became aware of the herb—traditionally used by North American Indians to treat respiratory infections—when he was battling his own 30-cigarettes-a-day habit. Kunkel, 44, who runs his landscaping business from his home in Squamish, 66 km north of Vancouver, says he invested his life savings in the project. Now, Bax Out is producing returns on his investment. "It's selling quite well for a new product," said a spokesman for Toronto-based Shoppers' Drug Mart, which began stocking the capsules at select outlets in December.

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## In support of herbs

A government-appointed advisory committee has criticized Ottawa's Health Protection Branch—which has restricted Canadians' access to herbal health products—for lacking the "expertise or the experience" to make an informed decision. The committee, appointed last May by

then Health Minister David Cromwell, said a new regulatory authority should be created to deal with natural remedies, which have seen rapid growth in sales in recent years. The HPB, citing safety concerns, has restricted many traditional remedies, including camellia, a herb used to relieve pain and to treat wounds and fractures, and ginkgo bark, used to improve

mental function and ease depression. Committee chairman Frank Chandler, director of Dalhousie University's college of pharmacy in Halifax, told the House of Commons health committee that herbal products should be a licensed medicine to make health claims. But he said regulations were still needed to ensure safety and quality.



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## Theatre

### Enter stage left

An MP's plays are fuelled by a social conscience

As a playwright, Wendy Lill is known for pulling no punches. Whether about impoverished poorest work, social structures and issues or patronizing government bureaucrats, Lill's plays are fuelled by a sense of outrage over what she calls "the growing divide between the rich and the street." But once last June, when she was the federal seat of Dartmouth for the NDP, Lill has written her dramatic muse to the theatre—the show that is the House of Commons. Lill's initial impressions of the new venue are typically forthright. (I not terribly flattering.) "This is not a place where people listen to each other," she said during a recent interview at her home in Dartmouth. "They stand up and about out their position, then they sit down. If you look at this place as one that should be serving us, bringing the country together, it's an abysmal failure."

But the focus of Lill, the playwright and the politician, will be on display this month. Last week, Lill flew to Ottawa for the re-suspension of Parliament. She will return home for the Feb. 19 premiere of her latest work, *Corker*, at Halifax's Neptune Theatre. Then it's back to Ottawa, where the 21-member NDP caucus is expected to be in Lill's hall force on Feb. 25 when the Great Canadian Theatre Company opens its production of Lill's 1996 play, *The Glass Boy* about Alzheimer's.

*Corker* is Lill's second drama. Like her earlier works—three of which were nominated for Governor General's Awards—*Corker* uses both humor and pathos to deliver a pointed statement about social injustice. The title character is a mentally disabled street person who seeks refuge in the home of Mimi, a social worker to a provincial government. Mimi's sister, the kind-hearted but troubled Serena, had taken Corker under her wing before she committed suicide. Mimi, who is in the midst of delicate negotiations to contract out services for the mentally handicapped to the private sector, initially wants nothing to do with Corker. Gradually, though, she begins to question her priorities.

The play gives Lill a chance to criticize the

main for government downsizing. But it also reflects a subject very close to her heart. Lill's eldest son, Sam, 15, was born with Down's syndrome. He is now attending an integrated classroom and receiving what she considers the bare minimum in support services. "He should be getting speech therapy every day," says Lill, "but he gets one



Lill: her drama about the disabled addresses the downsizing maze

half hour every two weeks. It's an outrage." All the same, she figures Sam is luckier than many others. "With this ever shrinking social safety net, we're not like dividing people all over the place," she says. "Oh course, it's the disabled and people on the margins who get hurt."

Born in Vancouver and raised in London, Ont., the 47-year-old Lill traces her social activism back to her years as a political science student at Toronto's York University. "It was the 60s, eh?" she says. "If you couldn't get caught up at that time with what was going on in the world, when could you?" She got involved with the left-wing NDP while

in government, which mounted a spirited challenge to the party's establishment for prescribing too moderate a brand of socialism. After graduating, she spent a year travelling in Europe. Then it was back to Toronto, where she worked as a cocktail waitress while writing an unpublished poetry and film scripts on the side.

After a brief stint as a community health worker in Kenosha, Ont., Lill moved to Winnipeg in 1976, where she made a living as a freelance radio broadcaster. She stumbled into writing plays after being asked to sell her horses on the air as a radio documentary about a local school by immigrant parents and workers. The play was the polemical *On the Line*, which union leaders loved but critics despised. "It was pretty antiracist," she concedes today. In subsequent plays, which touched on such hot social topics as child sexual abuse (*At the House*) and the role of women in native residential schools (*Shivini*), Lill took a more nuanced approach. "I learned you had to make all the characters real, not just the ones you like," she says.

While in Winnipeg, Lill met and married Minister Richard Sturt, now chief of staff for the provincial NDP caucus in Nova Scotia. Since the couple moved to Dartmouth 10 years ago, Lill has remained active in NDP politics. She was first approached to run for office in the 1983 federal election, but didn't see the potential of her young family (she's now 10). She could not, however, resist the chance to run under the banner of federal NDP leader and longtime Halifaxer Alexa McDonough last year. Her timing proved fortuitous, capturing an unprecedented wave of support in the region. The NDP swept six of Nova Scotia's 11 federal seats.

Lill, who is getting dramatic writing on the back burner for the time being, now serves as her party's creative consultant, and is concerned on policies affecting the disabled. In the former role, she intends to focus attention on the need to preserve Canada's cultural sovereignty in the global era, in the latter, she hopes to put a human face on the problems facing the disabled. What she slowly realizes about her former role is that it's not a matter of reflection. By contrast, she says, MPs are expected to formulate instant opinions on complex subjects and are often "just a step away from embarrassing themselves." But whether the forum is the written page or Parliament Hill, Lill intends to let her social conscience be her guide.

BRIAN BERGMANN in Halifax



## Cool stunts, hot licks

**BLUES BROTHERS 2000**  
Directed by John Landis

It has been 28 years since John Belushi and Dan Aykroyd, as Jake and Elwood Blues, embarked on their "mission from God"—a justice-jay ride into heartland America that was part delectable dirt-poor rhyman-and-blues retread. With more car crashes than any movie in history, *The Blues Brothers* recently combined automotive slapstick with a sincere homage to the legends of black American music. And, despite Belushi's 1982 death from a drug overdose, Aykroyd has turned the *Blues Brothers* into a thriving franchise, with a *Blues Brothers* sequel, a record label, radio program—and, finally, a sequel to the movie.

As a comedy, *Blues Brothers 2000* is a lame retread of the original. But as a musical, it offers some stellar production numbers. The cast features a Who's Who of blues and R&B performers, including James Brown, B.B. King, Aretha Franklin, Bo Diddley, Wilson Pickett, Eric Clapton, Dr. John, Isaac Hayes, Junior Wells and Lou Rawls. And the movie is, at best, just an excuse to get them onstage.

The decepto script, which Aykroyd co-wrote with director John Landis, moves at a sluggish pace. Elwood gets lost of jail, loses his brother in a deal and vows to put the band back together. Mike (John Goodman), a strip-club bartender, becomes his new partner. Buster (J. Smokey Montana), a 20-year-old orphan, tags along, turning the Blues Brothers into a family. And after running about of

some Russian thugs and a "brother" in blue (a Chicago police chief played by Joe Mantegna), they drive to New Orleans for a battle of the bands, while an armada of squad cars—and the Russian mafia—give chase.

As Belushi's successor, Goodman is given surprisingly little to do. The sequel is less a buddy movie than a *Ni Arde Du Fuego* sequel of living legends, with David Letterman sidestep Paul Shaffer serving as off-screen musical director and no camera scenes. There are some inspired numbers. At a monster truck show, the Blues Brothers unleash a version of *Glenn Miller on the Sky* that summons up soundtracks being so episodic change of pianism beyond—whales of Aykroyd's *Ghostbusters*. And the climactic battle of the bands—hosted by a wacko queen (Gloria Haskin) in an anti-bellum mansion—turns into an all-star parade.

Curiously, this route is and around Toronto, with the help of some impaired Spanish moss. Aretha Franklin, in fact, performs *Respect* in the Mercedes-Benz dealership where Aykroyd's Canadian compatriot David Greenberg filmed a scene for *Così... Così*. And, at its own way, *Blues Brothers 2000* is about the joy of celluloid—where 80 cars fly into each other in a single two-minute sequence. But all the cool stunts and hot licks just money can buy do not save the movie from the scrap heap.

BRIAN D. JOHNSON

## Sex, lies and a polygraph

**DISCOVER**  
Directed by James and Jack Pata

At first all the action takes place in a police interrogation room. The version blinds are driven shut. Word to a polygraph machine, a costly instant murder suspect is grilled by two detectives, who ask him to tell his story over and over again. For anyone who has seen *The Usual Suspects* (1995), the scenario will seem awfully familiar—*Discover* is another interrogation drama that unfolds as a brain-teasing puzzle. Once again, the entire story is told through the questionable testimony of the man in custody. And Tim Roth plays him with the same arctic contempt that Kevin Spacey brought to his role in *The Usual Suspects*.

Wayland (Roth), the wealthy son of a Charleston tycoon, is the only suspect in a grisly murder of a prostitute named Elizabeth (Kerrie Zuehlweg), whose severed body has been found in two suitcases, miles apart. His interrogators are Keessewer (Michael Rooker), a veteran polygraph expert, and his apprentice, a cop named Bradon (Chris Peas). They try to winnow the deat from Wayland's casual testimony, knowing that his answers could be skewed by any combination of drugs, epilepsy, sleepers, substance-induced blackouts and psychopathic behavior. The detectives, meanwhile, harbor their own uneasy secrets: Keessewer has an adulterous wife (Rosanna Arquette), Bradon a gambling problem.

Witty director James and Jack Pata, *Discover* is a diabolical piece of storytelling. Bill Butler's stark cinematography conspires with bass quakes on the sound track to create a claustrophobic sense of menace. The flashback to the world outside, however, are suddenly directed by Zuehlweg, Arquette and Ellen Burstyn, who plays an underworld doyen, are all too thinly sketched. And the edgy realism of the male performances is squandered by a script too clever for its own good: a plot twist near the end sends the viewer's paranoia polygraph scuttling off the scale. Still, as a war with a wiser instinct for the truth, Roth puts on such a masterful show of deconstruction that it is almost worth putting up with the film's lack of dramatic integrity.

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# Allan Fotheringham

## Your mother would call it fibbing

**T**he Greeks called it suspension of disbelief. Your mother would call it fibbing. But the experts, as always, have a elaborate name for it—the ability to pretend that something is not so. While offering, at the same time, absolute reassurance that everyone knows its piffle.

Statemen willow in it, like water buffalo at sundown. Bill Clinton, who is trying to be a statesman (while denying he's a clown), is a master of the art, a superb actor who while letting his lower lip like an earnest schoolboy issues bromides as transparent as bubble gum.

While a nervous world awaits his every utterance, he says his glowing bombers and missiles have no intention of trying to kill Saddam Hussein. The threatened air strikes would, when only "at the chemical and biological weapons" that Washington suspects Iraq is hiding.

And of course all these innocent women and children who weren't injured last time will just—bad luck!—have to tolerate themselves that the bombs missing down town were purposely steered away from whatever palace Saddam is in at the moment.

This reminds me of Winston von Braun, the Nazi missile genius who invented the buzz bombs that terrorized British civilians, and after the war was willingly embraced by the Americans so he could work in their space program. A 1960 movie based on his life was called *I Am of the Stars*. "Von," remarked satirist Mort Sahl, "had sometimes hit London."

So it's tough to say the most powerful man on earth, if some Iraq mother is so foolish to be hanging around the secret chemical factory where he'll build the "smart bombs"—which the Pentagon had to admit after the Gulf War weren't so smart after all.

By this logic, the safest place in all of Baghdad to be building would be around Saddam's palace, because of course it is where Clinton's boys will not be coming, by his own admission.

The White House points out that United States law prohibits cabinet efforts to depose or kill a foreign leader. Yeah right. Tell that to Fidel Castro, who by luck or happenstance escaped a dozen



CIA attempts on his life, ordered by the Kennedy brothers, including one bizarre plot with an exploding cigar.

The suspension of disbelief fantasy is most endemic to capitals, Ottawa naturally being no exception. Paul Martin, the dragon, tells us with a straight face that he won't order up his mood as whether he will allow the merger of the Royal Bank and the Bank of Montreal until the fall when a federal task force on financial services, which is examining the banking industry, delivers its report. Yeah right.

And the bankers for Royal bank John Clogher and Scotia's Matt Barrett claim they tried to reach Martin at 7 a.m. the day of the supposed announcement but were "unsuccessful." Did they ever think he was sleeping? If the vast dozens of these two giants of banking can't figure out a way to please Ottawa, they obviously need to change their intelligence, since they do not appear to have enough sleep.

The world is awash in a swirl of this type of puff, balderdash and confound. In the computer system of 88000 North, outside Ottawa, Corel Corp. tycoon Michael Cowpland sold off \$20.5 million worth of his own shares last August. When the public learned of this in September, he said he did not know at the time that Corel was about to disclose horrendous results in the third quarter as its stock went in the Dumpster. Yeah right.

We are told, by the powers that be in Washington, that there was nothing wrong with 26-year-old low level clerk Monica Lewinsky's being admitted into the White House 37 days after she had been shifted off to the Pentagon—naked away across the Potomac in Virginia. Yep. Brett Hall of the St. Louis Blues says

the clutch and grab style of hockey in the National Hockey League is so bad that he would not pay to watch it and is forced to rent and produce and sell down his words by the NHL poolbooks. There would be the possibility who extract their officials to delay breaking up fights until the TV cameras have a good 15-second clip, and so each team has a flag and a goon for fights—which instructs minor hockey to produce except flags and goons to advance to the NHL. Because Hall did not speak gently, he was forced to admit he was actually speaking piffle.

Premier Glen Clark of British Columbia the salmon, in the salmon wars, to close a U.S. salmon trade issue over which he has no jurisdiction. Premier Mike Harris of Ontario says his government's policies have not hurt those at the low end of society's food chain. Premier Lucien Bouchard of Quebec claims that his province is a financial victim that is being starved by Ottawa.

George Orwell said it all in 1984. With a twinkle of the eye (Clinton), a sincere stare (Bouchard), a spattering outrage (Clark), a politician can declare that black is white and day is night and utter the most outrageous blarney of piffle that can make it into every headline. Mother knew best.

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